



City of Quincy, Massachusetts
Purchasing Department
1305 Hancock Street
Quincy, MA 02169

Phone: 376-1060

Fax: 376-1074

ADDENDUM NUMBER 1

RE: BID DUE: July 7, 2011 @ 11:00 a.m.

BID TITLE: Demolition of Ross Garage Extension Project

PLEASE NOTE :

Addendum #1

All Bidders are required to make the following additions to, and modifications of, the Bid Documents for the above listed Contract. Bidders are instructed to acknowledge receipt of this Addendum by inserting the Addendum number and issuance date on the lines provided on page B-1 of the Bid Form. Failure to acknowledge this addendum may subject the Bidder to disqualification.

A. **General** – Bidders are reminded that the Bid date and time are **Thursday, July 7, 2011 at 11:00 AM.**

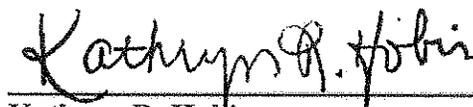
B. Additions to the Specifications

- 1) The Quincy City council has expanded the current "Section 00750 - City of Quincy Ordinances / Council Orders relevant to Public Works Construction / Responsible Employer Ordinance," therefore please see the attached 14 pages and make the following changes to the Specifications prior to submitting a Bid:
 - a. Add a copy of Page 07500-22 in the attached document which is titled "CERTIFICATION CONCERNING RESPONSIBLE EMPLOYER ORDINANCE" into the Bid Section as "Page B-20".
 - b. Add reference to the "Certification Concerning Responsible Employer Ordinance, Page B-20" to the following locations in the specifications Book:
 - i. Table of Contents Page i.
 - ii. Instructions to Bidders section, Page I-1, Section 1.5 a.
 - c. Replace the existing Section 00750 Pages 00750-11 through 00750-19 with the attached pages from the expanded Responsible Employer Ordinance as Pages 00750 - 11 through 00750-24 in the Specification Book.

ATTACHMENT: 14 revised pages from "Section 00750 - City of Quincy Ordinances / Council Orders relevant to Public Works Construction / Responsible Employer Ordinance."

Thank you.

PLEASE SIGN THIS SHEET AND ATTACH IT TO YOUR BID, AS IT IS NOW A PART OF THE BID.


Kathryn R. Hobin
Purchasing Agent

Date: _____

Bidder's Signature: _____

CITY OF QUINCY
IN COUNCIL

ORDER NO.

ORDERED:

2000-078

February 22, 2000

Be it ordained by the City Council that the Revised Ordinances of the City of Quincy, 1993, as amended, be further amended by adding in Title 15 a new section, Section 15.26 entitled *City of Quincy Responsible Employer Ordinance*.

RESPONSIBLE EMPLOYER ORDINANCE

SECTION 15.26.1

All bidders and all subcontractors under the bidders for projects subject to M.G.L.A. C149, S44A(2) shall as a condition for bidding, agree in writing that they shall comply with the following:

- A. The bidder and all subcontractors under the bidder shall comply with the Quincy Responsible Employer Policy as it currently exists and as it may, from time to time, be amended.
- B. The bidder and all subcontractors under the bidder shall comply with provisions of M.G.L.A. C149 and shall pay the appropriate lawful prevailing wage rates to their employees.
- C. The bidder and all subcontractors under the bidder shall maintain or participate in a bona fide apprentice training program as defined by M.G.L.A. C23, S11H AND 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and shall abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.
- D. In a manner that is consistent with applicable law and regulations, any bidder and all subcontractors under the bidder awarded a contract subject to this ordinance, shall recruit workers who are residents of the City of Quincy for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries, and shall hire qualified residents of the City of Quincy in filling the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.
- E. The bidder and all subcontractors under the bidder shall furnish, at their own expense, hospitalization and medical benefits at least equivalent to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L.A. C149, S26 in establishing minimum wage rates for all their employees employed on the project.

YEAS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

NAYS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermot, Newton, Raymond

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2000-078

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February 22, 2000

ORDERED:

- F. The bidder and all subcontractors under the bidder shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L.A. C152.
- G. The bidder and all subcontractors under the bidder shall properly classify employees as employees rather than independent contractors and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding pursuant to M.G.L.A. C149, S148B.
- H. All bidders and all subcontractors under the bidders who are awarded contracts or who otherwise obtain contracts on projects subject to M.G.L.A. C149, S44A(2) shall comply with the provisions of the within ordinance and the City of Quincy Responsible Employer Policy for the duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with said ordinance and/or policy.
- I. Any bidder or subcontractor under the bidder who fails to comply with any of the obligations set forth in the within ordinance and/or the City of Quincy Responsible Employer Policy shall, by vote of the City Council, be subject to one or more of the following: (A) cessation of work on the project until compliance is obtained; (B) withholding of payment due under any contract or subcontract until compliance is obtained; (C) permanent removal from any further work on the project; and (D) liquidated damages payable to the City of Quincy in the amount of 5% of the dollar value of the contract.
- J. In addition to the sanctions outlined in subparagraph I above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L.A. C149, S44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in this ordinance shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

YEAS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

NAYS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

INTRODUCED BY WARD TWO COUNCILLOR DANIEL G. RAYMONDI
WARD ONE COUNCILLOR GREGORY M. HANLEY

CITY OF QUINCY
IN COUNCIL

ORDFR NO. 2000-078
ORDERED:

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February 22, 2000

SECTION 15.26.2

The provisions of this ordinance shall not apply to: (A) construction projects when the low general bid is less than \$100,000.00; (B) work performed pursuant to subcontracts that are subject to M.G.L.A. C149, S44F and that were bid for less than \$25,000; and (C) re-bids for construction projects for which the City of Quincy receives fewer than three qualified general contract bidders in the original bid.

SECTION 15.26.3

In the event any part of this ordinance shall be held invalid, such invalidity shall not invalidate the whole ordinance but the remaining provisions of this ordinance shall not be affected thereby.

SECTION 15.26.4

All bidders and all subcontractors under the bidders shall provide documentation that they are in compliance with the provisions of this ordinance prior to the bid opening and all bidders and all subcontractors under the bidders shall complete and submit prior to the bid opening the certificate which is attached hereto and made a part of this ordinance.

SECTION 15.26.5

The bidder and all subcontractors under the bidder shall certify in writing that their employees shall be able to work in harmony with employees of all other subcontractors on the job site. "Harmony" shall be defined to mean that the presence of any subcontractor's employees shall not result in any picket line, work stoppage or any other form of labor demonstrated on the job site or labor organizations representing the trades and/or crafts of the employees on the job sites.

SECTION 15.26.6

Any bidder or subcontractor under the bidder who fails to comply with the harmony requirement outlined above shall be at the sole discretion of the awarding authority, subject to one or more of the following sanctions:

YEAS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymondi

NAYS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymondi

INTRODUCED BY WARD TWO COUNCILLOR DANIEL G. RAYMONDI
WARD ONE COUNCILLOR GREGORY M. HANLEY

CITY OF QUINCY
IN COUNCIL

ORDER NO.

ORDERED:

2000-078

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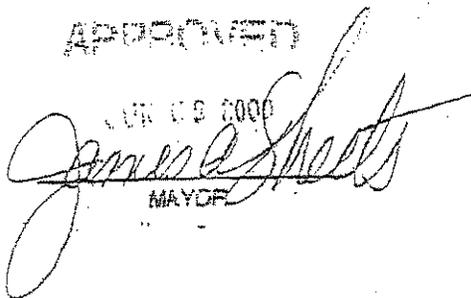
February 22, 2000

- (A) Cessation of work on the project until compliance with the harmony clause is assured subject to the sole and exclusive judgement of the awarding authority;
- (B) Withholding of payment due under any contract or subcontract until compliance with the harmony clause is achieved under the sole and exclusive judgement of the awarding authority;
- (C) Permanent removal from any further work on the project;
- (D) Those costs incurred by the awarding authority or the bidder or subcontractors under the bidder to provide security which may or may not be in the form of police details, security fences, establishment of separate gates, etc., lost work days for every employee who is prevented from working on the job site by the establishment of picket lines, work stoppage or other labor demonstrations;
- (E) Liquidated damages payable to the awarding authority in the amount of 5% of the dollar value of the contract entered into by the bidder or subcontractor under the under the bidder who cannot comply with the harmony clause.

PASSED TO BE ORDAINED JUNE 5, 2000

ATTEST:

APPROVED


MAYOR


CLERK OF COUNCIL

YEAS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

NAYS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

INTRODUCED BY WARD ONE COUNCILLOR GREGORY M. HANLEY
WARD TWO COUNCILLOR DANIEL G. RAYMONDI

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2001-192

August 9, 2001

ORDERED:

Be it ordained by the City Council, that the Municipal Code is hereby amended
as follows:

In Title 15 Building & Construction, Chapter 15.26 Responsible Employer
Ordinance, Section 15.26.010 add the following language in line 2 after
Sections 44A(2)

ADD THE FOLLOWING:

Section 15.26.01 "and M.G.L. Chapter 30, Section 39M"

PASSED TO BE ORDAINED SEPTEMBER 24, 2001

ATTEST:

Joseph Shea
CLERK OF COUNCIL

APPROVED

SEP 28 2001

James Shea
MAYOR

YEAS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

NAYS Cahill, D'Amico, Durkin, Hanley, Harold, McCauley, McDermott, Newton, Raymond

MAYOR'S
SOLICITORS
AUDITORS
ASSESSORS

Burke

CITY OF QUINCY
IN COUNCIL

ORDER NO.

ORDERED:

2006-034

January 17, 2006

Be it ordained that the Municipal Code is amended as follows:

In Title 15 Building and Construction Chapter 15.26 Responsible Employer Ordinance Section 15.26.010 (H) is amended as follows:

In line 2 after MCLAC 149,544 add "and MGL Chapter 30, Section 39 M"

And

In Title 15 Building and Construction Chapter 15.26 Responsible Employer Ordinance Section 15.26.010 (H) is amended as follows:

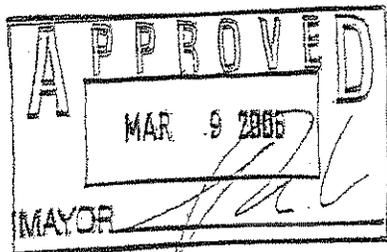
In line 6 after "ordinance and/or policy" add

Said certification shall be provided to the City of Quincy Purchasing Agent and shall include wages paid and health and welfare benefits offered and accepted regarding all contractors/subcontractors who are contracted on projects subject to MGL Chapter 149, Section 44A(2) and MGLA Chapter 30, Section 39M. Said reports shall be made available to the City Council and general public upon request. Any violations of any provision of this ordinance shall be reported by the City Purchasing Agent to the City Council and follow the enforcement procedures outlines therein.

PASSED TO BE ORDAINED MARCH 6, 2006

ATTEST:

J. Gardner
CLERK OF COUNCIL



YEAS Coughlin, Davis, Finn, Gardner, Gutro, Keenan, Kelly, McCauley, Raymond

NAYS Coughlin, Davis, Finn, Gardner, Gutro, Keenan, Kelly, McCauley, Raymond

INTRODUCED BY

Mayor Thomas P. Koch
WARD FOUR COUNCILLOR BRIAN PALMUCCI

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2010-152
ORDERED:

May 17, 2010

Be it ordained, by the City Council that the Quincy Municipal Code is hereby amended as follows:

In Title 15 Building & Construction Chapter 15.26 Responsible Employer Ordinance is amended by striking out Section 15.26.010 and inserting in place thereof the following new section:

1. By striking out Section 15.26.010 and inserting in place thereof the following new section:

Section 15.26.010 - Compliance of bidders and all subcontractors required— Agreement in writing condition for bidding—Requirements of responsible employer.

All bidders and all subcontractors submitting bids for projects subject to G.L. chap. 149, sec.44A(2)(D) and G.L. chap. 30, sec. 39M, or submitting a request for pre-qualification pursuant to G.L. chap. 149, sec. 44D1/2, 44D3/4 shall, as a condition for bidding or requesting pre-qualification, agree in writing that they shall comply with the following provisions for the entire duration of the contract:

- A. The bidder and all subcontractors under the bidder shall comply with the provisions of this chapter as it currently exists and as it may, from time to time, be amended.
- B. The bidder and all subcontractors under the bidder shall comply with provisions of G.L. chap. 149 and shall pay the appropriate lawful prevailing wage rates to their employees.
- C. The bidder and all subcontractors under the bidder shall maintain, participate and provide proof that they have successfully engaged in a bona fide apprentice training program as defined by G.L. chap. 23, sec.11H and 11I for each apprenticable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training and further that the bidder and all subcontractors under the bidder shall employ apprentices at all times on the project in accordance with the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract. Proof of successful engagement of a bona fide apprentice training program, as herein referenced, shall be evidence by documentation from the Division of Apprentice Training that the bidder and all subcontractors under the bidder have within the past twelve (12) calendar months graduated and upgraded apprentices for each apprenticable trade or occupation represented in their workforce, at the time of the bid.

YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

00750-17

CITY OF QUINCY
IN COUNCIL

ORDER NO.
ORDERED:

- D. In a manner that is consistent with applicable law, regulations, and Chapter 12.28 of the Quincy Municipal Code, any bidder and all subcontractors under the bidder shall employ qualified workers who are residents of the City of Quincy, in a proportion of thirty-three percent (33%) for each apprenticeship trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries. If a thirty-three percent (33%) qualified Quincy workforce cannot be achieved, it is incumbent upon the bidder and all subcontractors to prove, in a manner approved by the Purchasing Agent, that the bidder and all subcontractors made a genuine and best effort to achieve said resident workforce representation.
- E. The bidder and all subcontractors under the bidder shall furnish, at their own expense, hospitalization and medical benefits at least equivalent to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by G.L. chap. 149, sec. 26 in establishing minimum wage rates for all their employees employed on the project.
- F. The bidder and all subcontractors under the bidder shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with G.L. chap. 152.
- G. The bidder and all subcontractors under the bidder shall properly classify employees as employees rather than independent contractors and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding pursuant to G.L. chap. 149, sec. 148B.
- H. The bidder and all subcontractors under the bidder shall provide a bona fide pension plan for all their employees employed on the project.
- I. The bidder and all subcontractors under the bidder must certify, pursuant to provisions of G.L. chap. 149, sec. 44 E (2) E and sec. 44F(2)(I), that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by OSHA that is at least ten (10) hours in duration at the time the employee begins work. Documentation of such successful completion shall be provided.

YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi
NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

CITY OF QUINCY
IN COUNCIL

ORDER NO.
ORDERED:

- J. The bidder and all subcontractors under the bidder must certify under the pains and penalties of perjury that they are not presently debarred from doing any public construction work in the Commonwealth under the provisions of G.L. chap. 29, sec. 29F, or any other applicable debarment provisions of an other chapter of the General Laws or any rule or regulation promulgated there under. The bidder and all subcontractors under the bidder must disclose whether they are subject to any unresolved debarment proceedings pending at the time of the bid. Any debarment, whether resolved or pending, before the Department of Industrial Accidents, Office of the Attorney General, Division of Capital Asset Management, or any other State or Federal agency must be disclosed. The bidder and all subcontractors under the bidder must certify that they are not on the Federal Government Contractor Exclusion List, or any similar list.
- K. Failure of a bidder to comply with any of the foregoing conditions for bidding or requesting pre-qualification shall require rejection of the bid or request for pre-qualification. The Invitation for Bids or Request for Pre-qualifications of Bidders for such projects shall clearly state this requirement. No bidder shall select a subcontractor for work, outside the scope of G. L. chap. 149, sec. 44F that does not comply with the foregoing provisions.
2. **By inserting the following new section: Section 15.26.015 Compliance-Enforcement**

Section 15.26.015 Compliance—Enforcement

A. All bidders and all subcontractors under the bidders who are awarded contracts shall comply with the provisions of this Chapter and Chapter 12.28 of the Quincy Municipal Code for the duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance. The certification shall be provided to the Purchasing Agent and shall include wages paid and health and welfare benefits offered and accepted regarding all employees of all contractors/subcontractors who are contracted on projects subject to G.L. Chap. 149, Sec. 44A(2)(D) and G. L. Chap. 30, Sec. 39M. The Purchasing Agent shall report the failure to file weekly compliance documentation required herein to the City Council and Mayor or his designee. Said reports shall be made available to the general public upon request.

YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi
NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

CITY OF QUINCY
IN COUNCIL

ORDER NO.
ORDERED:

B. Any bidder or subcontractor under the bidder who fails to comply with any of the obligations set forth herein shall, by determination of the Mayor or by vote of the whole City Council that violation has occurred, be subject to one or more of the following: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; and (4) liquidated damages payable to the city of Quincy in the amount of five percent of the dollar value of the contract. Enforcement of the penalties shall be by the Mayor or his designee.

C. In addition to the sanctions outlined in subsection B above, a bidder shall all be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. chap. 149, sec. 44F.

D. Any bidder or subcontractor under the bidder who has been determined to have violated any of the obligations set forth in this ordinance shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The Director of Buildings and Construction, or any individual designated by the Mayor, shall be responsible for compliance and enforcement of the requirements herein for projects subject to G.L. chap. 149, sec. 44A(2)(D). The Commissioner of Public Works, or any individual designated by the Mayor, shall be responsible for the compliance and enforcement of the requirements herein for projects subject to G.L. chap. 30, sec. 39M.

2. By striking out Section 15.26.020 and inserting in place thereof the following new section:

Section 15.26.020 Exceptions

The provisions of this chapter shall not apply to:

A. Bid procedures and contracts awarded pursuant to the provisions of G.L. chap. 30, sec. 39M, for the construction, reconstruction, alteration, remodeling, or repair of any public work or for the purchase of any material wherein the estimated cost by the city is less than one hundred thousand dollars,

YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi
NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

CITY OF QUINCY
IN COUNCIL

ORDER NO.
ORDERED:

2010-152

May 17, 2010

B. Bid procedures and contracts awarded pursuant to the provisions of G.L. chap. 149, sec. 44(A)(2) for the construction, reconstruction, installation, demolition, maintenance or repair of any building wherein the estimated cost by the city is less than one hundred thousand dollars;

C. Bid procedures and contracts awarded pursuant to the provisions of G.L. Chap.149, sec. 44F wherein the estimated cost by the city is less than twenty thousand dollars; and

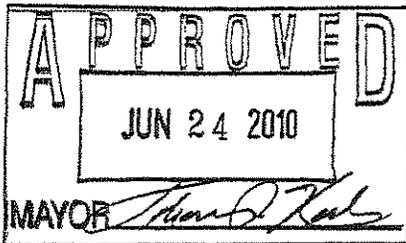
D. re-bids for construction projects for which the city received less than three bids from responsible and eligible bidders in the original bid.

- 4. By striking out Section 12.28.090 in its entirety.
- 5. All other provisions of and amendments to this Ordinance remain in full force and effect.

PASSED TO BE ORDAINED JUNE 21, 2010

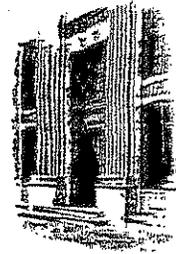
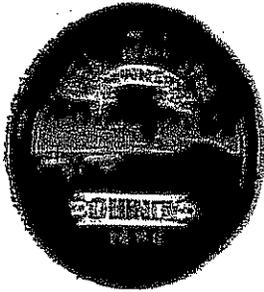
ATTEST:

CLERK OF COUNCIL



YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi



CERTIFICATION CONCERNING
RESPONSIBLE EMPLOYER ORDINANCE

It is hereby certified as a condition for bidding that the bidder and all subcontractors under the bidder shall comply with all of the provisions of the Quincy Responsible Employer Ordinance and with all amendments thereto.

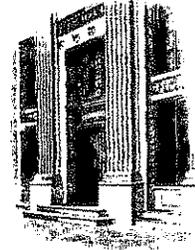
Name of Bidder or Sub-contractor

By: _____
Authorized Agent

Print or Type Name



City of Quincy
 City Hall
 1305 Hancock Street
 Quincy, Massachusetts 02169
Purchasing Department



Thomas P. Koch
 Mayor

Kathryn R. Hobin
 Purchasing Agent
 Phone: (617) 376-1060
 Fax: (617) 376-1074

CERTIFICATION PURSUANT TO RESPONSIBLE EMPLOYER ORDINANCE
 (Upon Award of Contract)

City Contract Number _____

Name of Contract _____

Contractor Name _____

Contractor Address _____

Certification for the Week Ending _____

I hereby certify as follows:

1. The Contractor is in compliance with the Responsible Employer Ordinance of the City of Quincy.
2. The following wages have been paid by the Contractor (please list by classification and hourly rate)

<u>Classification</u>	<u>Hourly Rate</u>
_____	\$ _____ . _____
_____	\$ _____ . _____
_____	\$ _____ . _____
_____	\$ _____ . _____
_____	\$ _____ . _____
_____	\$ _____ . _____

3. The following health and welfare benefits have been offered by the Contractor and accepted: (e.g. Harvard Pilgrim, Delta Dental, Boston Mutual Life Insurance etc.)

4. That I am duly authorized by the Contractor to sign this Certification.

Signed under the Pains and Penalties of Perjury this _____ day of _____, 200 _____.

Signature

Print Name

(Use additional sheets as necessary)