

PLYMOUTH COUNTY REGISTRY OF DEEDS

Responsible Employer Policy

All bidders and all subcontractors under the bidder for projects subject to M.G.L. c.149, sec. 44A(2) shall, as a condition for bidding, agree in writing that they shall comply with following:

- A. The bidder and all subcontractors under the bidder shall comply with the Plymouth County Registry of Deeds (PCRD) 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 the provisions of M.G.L. c.149 to pay the appropriate lawful prevailing wage rates to their employees.
- C. The bidder and all subcontractors under the bidder must maintain or participate in a bona fide apprentice training program as defined by M.G.L. c23, sec.11H and 111 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 must abide by the apprentice to journeyman 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 or subcontractor, under a bidder awarded a contract subject to this policy, make every effort to recruit workers who are residents of Plymouth County 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 in the performance of the contract.
- E. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c.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 M.G.L. c.152.

G. The bidder and all subcontractors under the bidder shall properly classify employees rather than Independent contractors and shall treat them accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding per M.G.L. c.149, sec.148B.

H. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c.149, sec. 44A(2) shall comply with the provisions of the Plymouth County Registry of Deeds 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 policy.

I. Any bidder or subcontractor under the bidder who fails to comply with any one of the obligations as set forth within the PCRDR policy shall, at the sole discretion of the awarding authority, be subject to one or more of the following sanctions: (A) cessation of work on the project until compliance is obtained; (B) withholding of payment due under any contract of subcontract until compliance is obtained, (C) permanent removal from any further work on the project; and (D) liquidated damages payable to the PCRDR in the amount of 5% of the dollar value of the contract.

J. In addition to the sanctions outlined in Paragraph 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. c.149, sec.44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in this Policy shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation, and permanently for a third violation.

K. The bidder and all subcontractors under the bidder must maintain a bona fide pension plan for all their employees employed on the project.

L. The provisions of the Policy shall not apply to: (A) construction projects for which the low general bid was less than \$100,000; (B) work performed pursuant to subcontracts that are subject to M.G.L. c.149, sec.44F and that were bid for less than \$25,000 and (C) re-bids for construction projects for which the PCRDR receives fewer than three qualified general contract bidders in the original bid.

M. All bidders and all subcontractors under the bidder must provide documentation that they are in compliance with the provisions of this policy prior to the bid opening and all bidders and subcontractors under the bidders

Shall complete and submit prior to the bid opening the certificate which is attached hereto and made part of this policy.

N. 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 demonstration on the job site or labor organizations representing the trades and/or crafts of the employees on the job site.

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

(A) Cessation of work on the project until compliance with the harmony clause is assured subject to the sole and exclusive judgment 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 judgment 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/deputy sheriff 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 bidder who cannot comply with the harmony clause.

P. If any provision of this policy shall be held to be invalid, such invalidity shall not invalidate the whole policy but the remaining provisions of this policy shall not be affected thereby.

Submitted on this 5th day of May, 2003, by

John R. Buckley, Jr.
Plymouth County Register of Deeds

(Adopted by Plymouth County Commissioners by 3 to 0
Vote on May 7, 2003)

PLYMOUTH COUNTY REGISTRY OF DEEDS
Certification Concerning Apprentice Training Program
(to be completed by all bidders and sub-contractors)

and

Pursuant to the PCRD Responsible Employer Policy, it is hereby
Certified as a condition precedent for bidding that
(check as applicable)

- If awarded the contract the bidder, or subcontractor if applicable, shall maintain or participate in a bona fide apprentice, shall maintain or participate in a bona fide apprentice training program as defined by M.G.L. c.23, sec.11H and sec. 11I.

Or

- This contract is exempt from the Apprentice Training Program for the following specified reasons
(check as applicable)
 - Not a contract subject to M.G.L. c. 149, sec. 42A(2)
 - The general bid is less than \$100,000.00
 - The sub-contractor filed, sub-bid work was bid for less than \$25,000.00; and
 - This is a re-bid, which received fewer than three qualified bids in the original bid.

Signed under the pains and penalties of perjury this _____ day
Of _____, 2003.

Name of General Bidder or Sub-Contractor

By: _____
Authorized Agent

Print or Type Name