

Department of Community Affair
Division of Housing and Community Resources

Date: 5/5/10

Reference:

American Recovery and Reinvestment Act Weatherization Projects

Summary:

The 2009-2012 New Jersey State Plan and Application for U.S. Department of Energy's American Recovery and Reinvestment Act Weatherization Assistance Program Grant (ARRA WAP) contained several provisions which impact the contract bidding process, including a Responsible Contractor bidding requirement. The purpose of this Policy Bulletin is to provide guidance on how this bidding requirement is to be implemented. This provision is only applicable to jobs funded in whole or part with ARRA Weatherization funds.

1. **Responsible Contractor:** Each bidder for a contract to perform weatherization work shall state in its bid whether or not it is a "Responsible Contractor". The Contractor shall certify on the attached "Responsible Contractor Certification" that the conditions to be considered a responsible contractor for the purpose of doing business with the ARRA WAP have been met.

Statement of Policy:

The 2009-2012 New Jersey State Plan and Grant Application for U.S. Department of Energy's American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Grant requires that all contractors bidding on a job funded in whole or in part by the ARRA WAP funds "state in its bid whether or not it is a Responsible Contractor." The purpose of this bulletin is to provide guidance on the definition of a Responsible Contractor.

A weatherization agency shall require all bidders to complete and sign the attached Responsible Contractor Certification. The contractor shall attach supporting documentation relative to items

1. Licensing and registration
2. Violations
3. Work history
4. Current employees.

Bidders must agree to hire from Weatherization Training Program:

The New Jersey Department of Labor and Workforce Development (DLWD) administers a grant for the Weatherization Training Program. This Weatherization Training Program is funded by the American Recovery and Reinvestment Act (ARRA) through a grant from the U.S. Department of Energy to the N.J. Department of Community Affairs (DCA). The Weatherization Training Program will train up to 600 participants in the areas of academic readiness, life/employability skills, career exploration and the essential core competency skills required for weatherization worker. This initiative will develop a skilled workforce that will assist the DCA's Weatherization Assistance Program to provide income qualified residents with services that reduce household energy use and costs by improving the energy efficiency of their homes.

As a condition of responding to a bid for ARRA funded work under the WAP, each bidder must agree that all new crew workers and supervisors hired subsequent to Bid Opening of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program.

Waiver:

During the term of ARRA WAP contract, a contractor may request a waiver of the provision requiring all new hires to come from the Weatherization Training Program where:

1. The contractor can demonstrate that they took diligent effort to hire a graduate(s) of the Weatherization Training Program and trainees were not available. The contractor must include dates and names of who was contacted in these efforts.
2. Other extraordinary circumstances exist, and written approval was granted by the DCA, prior to the labor being performed by the intended new hire.

All requests for a waiver should be made to the appropriate Weatherization Agency with respect to the specific contract awarded by the Weatherization Agency. The Weatherization Agency may seek guidance from the DCA on any specific waiver request. The Weatherization Agency must notify DCA in writing of all approved or denied Waiver Requests.

Weatherization Agencies shall be responsible for determining whether the bidder is a Responsible Contractor:

Weatherization Agencies shall:

1. Verify that the Responsible Contractor Certification is satisfactorily completed.
2. Include as part of the bid package and contracts for Weatherization work funded by ARRA a clear statement that all new crew workers and supervisors hired subsequent to acceptance of the WAP contract and performing work on the project funded under the WAP contract shall be graduates of the Weatherization Training Program at DLWD.

3. Monitor the work of contractors in order to ensure that all new hires of the contractor are graduates of the Weatherization Training Program. Any labor costs associated with new hires that are not graduates of the Weatherization Training Program may be disallowed by the OLIEC.

Attachment (1)