

Travis County Better Builder® Program

TCBBP Subcontractor Certifications

The Prime Contractor must cause its selected subcontractors to complete the following certifications and submit them to the Prime Contractor upon receipt of notice that Prime Contractor is the apparent low bidder or that Prime Contractor has been short-listed. Submission of this documentation is required on any Travis County public works project designated as a Better Builder® Project.

1. [Travis County Wage Law Compliance Certification](#)
2. [Travis County Employee Classification Certification](#)
3. [Travis County Apprentice Designation Certification](#)
4. [Travis County OSHA Training Certification](#)
5. [Travis County Safety Record Questionnaire](#)

The Prime Contractor must also cause its selected subcontractors to provide:

1. A current OSHA-compliant Health and Safety Plan
2. All OSHA 300 and 300A Logs and Summaries for the previous three years

If the subcontracting business entity has not been in existence for three (3) years or employs 10 or fewer employees, subcontractor must submit the [Travis County OSHA 300/300A Certification](#).

Travis County Wage Law Compliance Certification

Required for Prime Contractor and All Subcontractors

Project Title:

Name:

Title:

Business Name:

Business Address:

County of Contracting Entity:

STATE OF TEXAS

I, _____, certify that:

1. I am the _____ (position) of _____ (“Contracting Entity”) and have the authority to execute this Certification on behalf of the Contracting Entity and any person or entity with an ownership interest of more than 25% in the Contracting Entity (“Ownership Entity”).
2. Neither Contracting Entity, nor Ownership Entity, nor any sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Contracting Entity or Ownership Entity has been an owner, manager, officer, and/or director (“Secondary Entity”) has twice or more in the previous five (5) years:
 - Been adjudicated guilty or liable in administrative or judicial proceedings of committing an aggravated, repeated, or willful violation of applicable local, state, or federal wage laws, including the Davis-Bacon Act, National Labor Relations Act, Texas Labor Code Chapter 61, Chapter 162, Texas Property Code or Texas Government Code Chapter 2258; or
 - Entered a plea of nolo contendere for any wage-related violations in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the entity was subsequently discharged from community supervision; or
 - Entered into a settlement agreement to resolve unpaid wages under any applicable federal, state, or local law or ordinance governing the payment of wages where the terms of settlement were not satisfied within the allotted time.
3. I acknowledge and understand that the Contract Compliance Program will recommend that Contracting Entity be considered non-responsible and disqualified from participating in the project if Contracting Entity is unable to certify that the facts asserted in Paragraph 2 of this Wage Law Compliance Certification are true.

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- 4. I have attached to this Wage Law Compliance Certification evidence that any settlement agreement to resolve unpaid wages in the last five (5) years was satisfied. If Contracting Entity has entered into seven (7) or more settlement agreements within the preceding five (5) year period, I have also included a detailed statement, which I certify is truthful and accurate, explaining the high volume of such agreements and providing the date and nature of each agreement and the associated construction project.

- 5. The information provided in this Wage Law Compliance Certification is true, correct and accurately reflects all alleged wage theft violations involving Contracting Entity, Ownership Entity or Secondary Entity.

Signature

Date

Travis County Employee Classification Certification

Required for Prime Contractor and All Subcontractors

Project Title:

Name:

Title:

Business Name:

Business Address:

County of Contracting Entity:

STATE OF TEXAS

I, _____, certify that:

1. I am the _____ (position) of _____ (“Contracting Entity”) and have the authority to execute this Employee Classification Certification on behalf of Contracting Entity.
2. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity are properly classified as (i) an employee or (ii) an independent contractor under all applicable state and federal laws, including all laws concerning workers compensation insurance coverage, unemployment taxes, Social Security taxes and income taxes.
3. The information provided in this Employee Classification Certification is true, correct and accurately reflects all employee classification information pertaining to workers performing work on the project on behalf of Contracting Entity.

Signature

Date

Travis County Apprentice Designation Certification

Required for Prime Contractor and All Subcontractors

Project Title:

Name:

Title:

Business Name:

Business Address:

County of Contracting Entity:

STATE OF TEXAS

I, _____, certify that:

1. I am the _____ (position) of _____ (“Contracting Entity”) and have the authority to execute this Apprentice Designation Certification on behalf of Contracting Entity.
2. Select the box that applies: I do I do not intend to hire apprentices on this Project.
3. Whether or not I intend to use apprentices on this Project, I understand and agree that if I do hire apprentices I may pay them less than the Davis-Bacon prevailing wage **only if** they meet the following definition in accordance with 29 C.F.R. §5.2(n)(1):

“(1)Apprentice means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.”

3. The information provided in this Apprentice Designation Certification is true and correct.

Signature

Date

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Travis County OSHA Training Certification

Required for Prime Contractor and All Subcontractors

Project Title:

Name:

Title:

Business Name:

Business Address:

County of Contracting Entity:

STATE OF TEXAS

I, _____, certify that:

1. I am the _____ (position) of _____ (“Contracting Entity”) and have the authority to execute this OSHA Training Certification on behalf of Contracting Entity.
2. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity have received OSHA 10-hour safety training and all project safety managers or supervisors have received OSHA 30-hour safety training.
3. The information provided in this OSHA Training Certification is true, correct and accurately reflects all OSHA training received by workers and safety managers or supervisors performing work on the project on behalf of Contracting Entity.

Signature

Date

Safety Record Questionnaire & Certification for Subcontractors
SAFETY RECORD QUESTIONNAIRE FOR SUBCONTRACTOR

(Upon receipt of notice from prime contractor that prime is the apparent low bidder or has been short-listed, all subcontractors must submit this SRQ to prime contractor. Prime contractor is required to submit this SRQ for all its subcontractors.)

The Travis County Commissioners Court desires to avail itself of the benefits of Section 262.0275 and Section 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, and consider the safety records of potential subcontractors prior to awarding County contracts. Pursuant to Section 262.0275 and 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, Travis County has adopted the following written definition and criteria for accurately determining the safety record of a subcontractor prior to awarding County contracts.

The definitions and criteria for determining the safety record of a subcontractor for this consideration are set out in paragraphs (1) through (9) below:

(1) "Subcontracting Entity" means a firm, corporation, partnership, or institution represented by the subcontractor.

(2) "Ownership Entity" means any person or entity with an ownership interest of more than 25% in Subcontracting Entity.

(3) "Secondary Entity" means a sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Subcontracting Entity or Ownership Entity, has been an owner, manager, officer, and/or director.

(4) If Subcontracting Entity does not submit a company safety and health plan signed by a representative of Subcontracting Entity, Subcontracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

(5) If Subcontracting Entity does not submit its OSHA 300 Log and OSHA 300A Summary for each of the previous three (3) years, Subcontracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project. A Subcontracting Entity that has not been legally incorporated for at least three (3) years must sign an OSHA 300/300A Certification affirming Subcontracting Entity cannot meet the three (3) year submission requirement.

(6) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals more than two (2) cases in which final orders have been entered by the Occupational Safety and Health Review Commission (OSHRC) against Subcontracting Entity, Ownership Entity or Secondary Entity for willful or repeat violations of OSHA regulations within the past five (5) years, the Contract Compliance Program will recommend that Subcontracting Entity be disqualified from the project.

(7) If Subcontracting Entity, Ownership Entity, or Secondary Entity is currently on the

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Occupational Safety and Health Administration (OSHA) Severe Violator Enforcement Program (SVEP) Log, the Contract Compliance Program will recommend that Subcontracting Entity be disqualified from the project.

(8) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals more than one (1) case in which Subcontracting Entity, Ownership Entity or Secondary Entity has received a citation from a local, state or federal environmental protection agency for violations within the past five (5) years, the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

Environmental protection agencies include, but are not limited to, the U.S. Army Corps of Engineers (USACOE), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Health (DSHS), the Texas Parks and Wildlife Department (TPWD), the Structural Pest Control Board (SPCB), agencies of local governments responsible for enforcing environmental protection laws or regulations, and similar regulatory agencies of other states of the United States. Citations include notice of violation, notice of enforcement, suspension/revocations of state or federal licenses or registrations, fines assessed pending criminal complaints, indictments, or convictions, administrative orders, draft orders, final orders, judicial final judgments. Notice of Violations and Notice of Enforcement received from TCEQ shall include those classified as major violations and moderate violations under TCEQ's regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

(9) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals that Subcontracting Entity, Ownership Entity or Secondary Entity has been convicted of a criminal offense within the past ten (10) years which resulted in serious bodily harm or death, the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

In order to obtain proper information from subcontractors so that Travis County may consider the safety records of potential Subcontracting Entities prior to awarding County contracts, Travis County requires that Subcontracting Entity:

- (a) submit a current health and safety plan signed by a representative of Subcontracting Entity;
- (b) submit the OSHA 300 Logs and OSHA 300A Summaries for Subcontracting Entity for the previous three (3) years; and
- (c) answer the three (3) questions below.

Subcontracting Entity must submit the plan, logs and summaries to the prime contractor. Prime contractor must submit these documents to the County upon receipt of notice that it is the apparent low bidder or has been short-listed.

QUESTION ONE

Has the Subcontracting Entity, Ownership Entity or Secondary Entity, within the previous five (5) years, received citations for OSHA violations?

YES _____ NO _____

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If Subcontracting Entity has indicated YES for question number one above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such citation:

Date of offense, location of establishment inspected, category of offense, final disposition of offense, if any, and penalty assessed. The Contract Compliance Program reserves the right to request the submission of proof of abatement of any hazard cited, and to recommend that Subcontracting Entity be disqualified from the project due to safety concerns if the hazard has not been abated in accordance with the OSHA-imposed deadline.

QUESTION TWO

Has Subcontracting Entity, Ownership Entity or Secondary Entity received citations for violations of environmental protection laws or regulations within the past five (5) years? Citations include notice of violation, notice of enforcement, suspension/revocations of state or federal licenses, or registrations, fines assessed pending criminal complaints, indictments, or convictions, administrative orders, draft orders, final orders, judicial final judgments. Notice of Violations and Notice of Enforcement received from TCEQ include those classified as major violations and moderate violations under TCEQ's regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

YES _____ NO _____

If Subcontracting Entity has indicated YES for question number two above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such conviction:

Date of offense, location where offense occurred, type of offense, final disposition of offense, if any, and penalty assessed.

QUESTION THREE

Has Subcontracting Entity, Ownership Entity or Secondary Entity ever been convicted, within the past ten (10) years, of a criminal offense which resulted in serious bodily injury or death?

YES _____ NO _____

If Subcontracting Entity has indicated YES for question number three above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such conviction:

Date of offense, location where offense occurred, type of offense, final disposition of offense, in any, and penalty assessed.

It is the sole responsibility and obligation of Subcontracting Entity to ensure that its sub-subcontractors performing any part of the work on the project disclose to Subcontracting Entity their safety records, and to submit those records to the prime contractor. Subcontracting Entity may fulfill this obligation by distributing this "Safety Record Questionnaire for Subcontractors" form to all its sub-subcontractors and verifying to the prime contractor that the forms have been completed and returned to the prime contractor. All safety records are to be submitted by the prime contractor to Travis County as instructed on the first page of this Safety Record Questionnaire, and all such records are subject to County's review upon request.

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CERTIFICATION

**THE STATE OF TEXAS
COUNTY OF TRAVIS**

I, _____, certify that:

1. I am the _____ (position) of _____ (“Subcontracting Entity”) and have the authority to execute this Certification on behalf of Subcontracting Entity and Ownership Entity.
2. The information provided in this Safety Record Questionnaire is true and correct.
3. I have made no willful misrepresentations nor have I withheld information in my statements and answers to questions in this Safety Record Questionnaire.
4. I am aware that the information I have provided in this Safety Record Questionnaire will be investigated, with my full permission, and that any misrepresentations or omissions may cause my bid to be rejected.

Signature

Date

**Travis County OSHA 300/300A Certification
(Subcontractor)**

Project Title:

Name:

Title:

Date:

Business Name:

County of Subcontracting Entity:

STATE OF TEXAS

I, _____, certify that:

1. I am the _____ (position) of _____ (“Subcontracting Entity”) and have the authority to execute this statement on behalf of Subcontracting Entity.

2. Subcontracting Entity is exempt from submitting OSHA 300 Logs and OSHA 300A Summaries for the previous three (3) years because:
 - Subcontracting Entity has been legally incorporated for three (3) years or less. [Subcontracting Entity was legally incorporated on _____, _____]; **or**
 - Subcontracting Entity has had 10 or fewer employees at all times during the last calendar year, **unless** OSHA or the Bureau of Labor Statistics informed Subcontracting Entity **in writing** that it must keep records under §1904.41 or §1904.42.

3. The information provided in this OSHA 300/300A Certification is true and correct.

Signature

Date