

APPLICANT'S PRE-QUALIFICATION STATEMENT

OAK MARR PUMP STATION REHABILITATION

Submitted By: _____

Applicant Name and Address: _____

Applicant Telephone No.: (____)_____ Fax No.: (____)_____

Applicant's Virginia Contractor's License Number: _____ Class: _____

Tax ID No. (Soc. Sec. No. If Sole Proprietor): _____

Person who can respond authoritatively to any questions about this statement:

Name: _____ Title: _____ Tel.: _____

Email: _____

Indicate if: Corporation Sole Proprietor Partnership

Joint Venture Other (Indicate) _____

The Applicant may attach additional information deemed appropriate to respond. Do not attach additional information irrelevant to the response.

1. Organization

A. How many years has your organization been in business as a construction contractor? _____

B. How many years has your organization been in business under its present business name? _____

C. Under what other or former names has your organization operated?

D. If your organization is a corporation, please indicate:

Date of Incorporation: _____

State of Incorporation: _____

President's Name: _____

Vice President's Name(s): _____

Secretary's Name: _____

Treasurer's Name: _____

E. If your organization is a partnership, please indicate:

Date of Organization: _____

Type of Partnership
(If Applicable): _____

Name(s) of General Partners: _____

F. If your organization is a sole proprietorship, please indicate:

Date of Organization: _____

Name of Owner: _____

G. If the form of your organization is other than those listed above, describe it and name the principals and date of commencement of business:

H. Submit a copy of the applicant's current organization chart showing numbers of employees by discipline and project and the names and titles down through Project Field Superintendent.

I. Provide proposed organizational chart for the project with names of key personnel.

J. Is the applicant related to another firm as a parent, subsidiary or affiliate?

Yes___ No___

If yes, give names and addresses of all affiliated parent and/or subsidiary companies. Indicate which companies are subsidiaries.

2. Judgments

A. Has the applicant or any officer, director or owner thereof had any judgments entered against him within the past ten years for breach of contracts for governmental or non-governmental construction, including, but not limited to, design-build or construction management?

If yes, provide details on any such judgment.

3. Contract Compliance

- A. Has your firm been found to be in substantial noncompliance with the terms and conditions of prior construction contracts in the past 10 years?

Yes _____ No _____

If yes, provide details on any such instance.

- B. Has the Applicant ever failed to complete any work awarded to it? If yes, state date(s), project(s), owner or A/E reference(s), and reason(s).

Yes _____ No _____

- C. Has the Applicant ever been party to a construction contract, which was terminated by the owner, for the owner's convenience or otherwise? If yes, state date(s), project(s), owner or A/E reference(s), and reason(s).

Yes _____ No _____

- D. Has the Applicant ever been declared to be in default or partial default on a construction contract or project? If yes, state date(s), project(s), owner or A/E reference(s), and reason(s).

Yes _____ No _____

- E. Has the Owner or Owner's Agent ever taken steps to complete contract work, which was the Applicants own responsibility? If yes, indicate date(s), project(s), owner or A/E references, and reason(s).

Yes _____ No _____

- F. Has the Applicant ever been the subject of a stop work order on a construction project? If yes, state date(s), project (s), and reason(s).

Yes _____ No _____

- G. Are there any judgments, claims, suites, arbitration proceedings, or other legal proceedings pending or outstanding to which the Applicant is a party? If yes, state date(s), project(s), and reason(s).

Yes _____ No _____

H. Has the Applicant filed or caused to be filed, any suits, arbitration requests or claims with regard to any construction contracts within the past five (5) years? If yes, state date(s), project (s), and reason(s).

Yes _____ No _____

I. Has the Applicant been assessed liquidated damages for failure to complete a project by contract date within the past ten (10) years? If yes, state date(s), project (s), and reason(s).

Yes _____ No _____

J. Has the Applicant ever failed to complete punch list work on time.

Yes _____ No _____

4. Convictions

Has the applicant or any officer, director or owner thereof been convicted within the past ten (10) years of a crime related to governmental or non-governmental construction or contracting, including, but not limited to, violation of (i) Ethics in Public Contracting (Article 4 - § 11-72 et seq.), (ii) the Virginia Governmental Government (Chapter 4.2 - § 59.1 - 68.6 et seq.) of Title 59.1), or (iv) any substantially similar law of the United States or another state? If yes, provide details on any such convictions on a separate sheet.

Yes _____ No _____

5. Debarment

Is the applicant or any officer, director or owner thereof currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government?

Yes _____ No _____

If yes, provide details:

6. **References** (Provide at least five (5) references in each category and include for each reference its name, address, telephone number, and name of contact person.)

A. ENGINEERS/ARCHITECTS:

1. _____
2. _____
3. _____
4. _____
5. _____

B. MAJOR SUBCONTRACTORS:

1. _____
2. _____
3. _____
4. _____
5. _____

C. OWNERS:

1. _____
2. _____
3. _____
4. _____
5. _____

7. Financial

A. Does any individual, company or corporation own a 10% or more interest in the outstanding shares of the capital stock of the Applicant?

Yes _____ No _____

If yes, list the name and percent interest of ownership held in the Applicant.

B. Audited financial statements for the Applicant's previous three fiscal years may be required. These financial statements, if requested, shall include a complete report of Applicant's financial resources, liabilities, equipment, and personnel.

C. Is the Applicant currently a debtor in any bankruptcy case or has been in bankruptcy at anytime during the previous five (5) years? If yes, state date(s), and reason(s).

Yes _____ No _____

8. Workers Compensation Experience

List your Experience Modification Rate (EMR) for workers compensation and OSHA incidence rate for the past three years:

	EMR	Incidence Rate

9. Surety and Insurance

A. Provide documentation from your Surety identifying Applicant's total bonding capacity, individual job bonding capacity, and maximum the Applicant can be bonded on a single project. Provide Surety Statement as outlined in Attachment E.

B. List all other sureties (name and address) that have written bonds for the Applicant during the last five years.

C. Provide the following information:

Average annual contract volume for the past 5 years \$ _____

Total value of work in progress or under contract: \$ _____

D. Has any surety company made a payment on Applicant's behalf as a result of default, to satisfy any claims made against a performance or payment bond in connection with any construction project during the previous five (5) years? If yes, state date(s), project(s), and reasons.

Yes _____ No _____

E. Has any insurance carrier, for any form of insurance, refused to renew insurance policy for your firm? If yes, state date(s), and reason(s).

Yes _____ No _____

10. Confidential and Proprietary Information

Initial here _____ if the applicant requests that all information submitted as part of this prequalification process be considered a trade secret or as proprietary information subject to the provisions of subsection D of § 11-52, Code of Virginia.

PROJECT EXPERIENCE

Applicant shall demonstrate conformance to the experience requirements of this solicitation and provide the following:

1. On a separate sheet(s), list all construction projects your organization has in progress, giving the name of project, scope, owner, design engineer/architect, contract amount, percent complete and scheduled completion date.
2. On a separate sheet(s), list all projects similar to the work herein being performed or performed during the past ten (10) years, giving the name of project, owner, design engineer/architect, contract amount, and date of completion and project scope description. Please verify prior to submission that all contact information is accurate and current.
3. Provide on the following pages (attachment B1, B2, and B3) the details of three (3) similar wastewater pump station or treatment projects (rehabilitation or new construction) of similar scope, involving 24/7 operational phased construction in the last seven (7) years. Each of these projects shall have had a minimum original contract value of \$2,000,000 or more and have maintained continuous operation of a wastewater by-pass pumping system with flow exceeding 0.2 million gallons per day.

DETAILS OF PROJECT

1. Applicant Name: _____
Project Manager Name: _____
Superintendent Name: _____

2. Name of Project: _____
Contract No. _____ Project Number _____
3. Owner Name: _____
Address: _____
Contact Person: _____

Telephone Number: (____) _____

4. Engineer/Architect: _____

Address: _____

Contact Person: _____

Telephone Number: (____) _____

5. Contract Dates - Attach additional information if project was not on schedule.

Started: _____

Original Contractual Completion: _____

Final Contractual Completion: _____

Actual Completion: _____

6. Description of the project: _____

7. Original Contract Value: \$ _____

Final Contract Value: \$ _____

Value of Change Orders to Date: \$ _____

Value of Outstanding Claims to Date: \$ _____

8. Name of Bonding Company: _____
Address: _____
Contact Person: _____

Telephone Number: (____) _____

9. Major Subcontractor(s)
Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

DETAILS OF PROJECT

1. Applicant Name: _____
Project Manager Name: _____
Superintendent Name: _____
2. Name of Project: _____
Contract No. _____ Project Number: _____
3. Owner Name: _____
Address: _____

Contact Person: _____
Telephone Number: (____) _____
4. Engineer/Architect: _____

Address: _____

Contact Person: _____

Telephone Number: (____) _____
5. Contract Dates - Attach additional information if project was not on schedule.

Started: _____

Original Contractual Completion: _____

Final Contractual Completion: _____

Actual Completion: _____
6. Description of the Project: _____

7. Original Contract Value: \$ _____

Final Contract Value: \$ _____

Value of Change Orders to Date: \$ _____
Value of Outstanding Claims to Date: \$ _____

8. Name of Bonding Company:

Address: _____
Contact Person: _____
Telephone Number: (____) _____

9. Major Subcontractor(s)

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number (____) _____
Role In Project: _____

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1. Applicant Name: _____
Project Manager Name: _____
Superintendent Name: _____
2. Name of Project: _____
Contract No.: _____ Project Number: _____
3. Owner Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
4. Engineer/Architect: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
5. Contract Dates - Attach additional information if project was not on schedule.
Started: _____
Original Contractual Completion: _____
Final Contractual Completion: _____
Actual Completion: _____
6. Description of the Project: _____

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Final Contract Value: \$ _____
Value of Change Orders to Date: \$ _____
Value of Outstanding Claims to Date: \$ _____

8. Name of Bonding Company: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____

9. Major Subcontractor(s)
Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

Name: _____
Address: _____
Contact Person: _____
Telephone Number: (____) _____
Role In Project: _____

KEY PERSONNEL

1. Provide information about the experience of key personnel of the Applicant that will be associated with this project. The information shall include name, title, intended assignment, years of construction experience, last employer, last position, and experience on similar projects.
2. Applicant must also provide the percentage of time the key personnel will dedicate to the project.

VIRGINIA CLASS A CONTRACTOR'S LICENSE STATEMENT

Provide a Statement of applicant's ability to possess a Virginia Class A Contractor's License prior to bidding, and a commitment to ensure that affected subcontractors obtain applicable Virginia Contractor's Licenses.

SUGGESTED SURETY STATEMENT

REFERENCE: APPLICATION FOR PRE-QUALIFICATION - FAIRFAX COUNTY
OAK MARR PUMP STATION REHABILITATION

(Name of Applicant) has been a client of (name of Surety Company) for over (_____) years. During that time, we have supported this firm in their pursuit of projects in the \$_____ range and total programs in excess of \$_____. We are prepared to provide Bid, Performance, and Payment Bonds on the aforementioned project, provided (name of Applicant) is awarded the contract.

We also possess certificates of authority as an acceptable surety authorized to do business in the Commonwealth of Virginia as published annually in the Federal Register, Department of Treasurer, Fiscal Service, Department Circular 570.

Sincerely,

Attorney-In-Fact
(Name of Surety Company)

Name of Surety: _____

Signature: _____

Typed Signature: _____

Date: _____

Address: _____

Telephone: _____

SAFETY PROGRAM and HISTORY

A. Does your firm have a written safety program?

Yes _____ No _____

If yes, provide detail of your safety program on separate sheet.

B. Does the firm incorporate safety and health related issues into their new employee orientation programs?

Yes _____ No _____

C. Does the firm include work safety as a part of an employee's performance evaluation?

Yes _____ No _____

D. To what degree does senior/corporate management support safety related matters? Does the firm have a safety policy statement signed by a member of senior/corporate management?

Provide detail on separate sheet.

E. Does the firm have a full time Safety Manager? Does this person report to a high level, authoritative position within the Company?

Yes _____ No _____

If yes, provide detail on separate sheet.

F. Are safety inspections conducted at work sites? If so, how often and by whom?

Provide detail on separate sheet.

G. Are safety training programs conducted for employees? If so, how often and by whom?

Provide detail on separate sheet.

H. Are safety "tailgate meetings" and "toolbox meetings" conducted by the firm? If so, how frequently?

Provide detail on separate sheet.

- I. Does the firm have a visibly active safety committee? If so, how often does it meet? Who serves on the committee?

Provide detail on separate sheet.

- J. Is the firm an active member of a recognized construction safety organization in the Washington Metropolitan area, or in the state of contractor's domicile?

Yes _____ No _____

- K. What is the firm's Workers Compensation Experience Modification Factor? Are there any evident trends?

Provide detail on separate sheet.

- L. In the previous three years has your firm been cited for a serious violation, willful violation, violation for failure to abate or repeated violation (as defined by OSHA)? See attachment G, Fairfax County Construction Safety Resolution.

Yes _____ No _____

If yes, provide detail on separate sheet.

- M. Attach OSHA form 300 and OSHA form 300A with a summary of occupation injuries and illness for the last thirty six (36) months.

All bidders will be required to meet Fairfax County Safety Resolution at the time of bid. The current Fairfax County Safety Resolution is provided below.

FAIRFAX COUNTY CONSTRUCTION SAFETY RESOLUTION

The Contractor shall comply with the resolution adopted by the Fairfax County Board of Supervisors on December 8, 2003, as amended:

- A. It shall be required that each bid submitted to the County for a contract for construction, alteration, and/or repairs, including painting or decorating of a building, highway, street, bridge, sidewalk, culvert, sewer, excavation, grading, or any other construction, include a list of all the following actions which have become final in the three years prior to the bid submission:
 - 1. Willful violations, violations for failure to abate, or repeated violations, for which the bidder was cited by (a) the United States Occupational Safety and Health Administration; (b) the Virginia Occupational Safety and Health Administration; or (c) the occupational safety and health plan for any other public jurisdiction; or
 - 2. Three (3) or more serious construction safety violations for which the bidder was cited by the (a) United States Occupational Safety and Health Administration; or (b) the Virginia Occupational Safety and Health Administration; or (c) the occupational safety and health plan from any other public jurisdiction.
 - 3. Termination of a contract between the contractor and any public entity by their purchasing agent or his designee for safety violations.
- B. If the bidder has not received or been the subject of any such violations referenced in paragraph A in the three (3) years prior to the bid submission, then the bidder shall so indicate by certification on the bid form entitled Certification of Safety Violations. The bidder will also indicate on this form each state in which work was performed in the three (3) years prior to the bid submission.
- C. No bidder or contractor may bid on a County construction contract who has been the subject of any citations for the type and number of violations listed in aforementioned paragraph A, which have become final within the three (3) years prior to the bid submission.
 - 1. Notwithstanding the language of paragraph C, above, any bidder or contractor who has been the subject of a violation, as described in paragraph A.1, which has become final in the three (3) years prior to the bid submission, may bid, if the bidder or contractor meets the eligibility

criteria set forth in paragraph E, below.

2. Notwithstanding the language of paragraph C, above, any bidder or contractor who has been the subject of the type and number of violations as described in paragraph A.2, which have become final within three (3) years prior to bid submission, may bid, if the bidder or contractor meets the eligibility criteria in paragraph E, below.
 3. Notwithstanding the language of paragraph C, above, any bidder or contractor who has previously been terminated from a public contract, as described in paragraph A.3, within three (3) years prior to the bid submission, may bid, if the bidder or contractor meets the eligibility criteria in paragraph E, below.
- D. Prior to bidding on a project, under the provisions of paragraph C above, a contractor may request that a determination be made by the County's Purchasing Agent or designee, regarding their eligibility to submit a bid on a contract under the terms of this resolution. However, this request for determination and any subsequent adjudication process must be completed prior to submitting a bid on any project and the request for determination must be received by the County's Purchasing Agent or designee no later than twenty-one (21) days before bids are due unless otherwise stated in the Solicitation. A notice of the bidder's request for determination of eligibility will be posted publicly for comments by any interested party. The bidder's request for determination of eligibility and all supporting documentation provided by the bidder to the County in support of its request shall be open to the inspection of any interested person, firm or corporation in accordance to the requirements of Fairfax County Purchasing Resolution and Virginia Freedom of Information Act.
- E. At the request of the Purchasing Agent or designee, the County Risk Manager shall evaluate a contractor's eligibility. Contractors may be subject to a special audit of their safety records as required. The criteria used by the Risk Manager in evaluating contractor's eligibility shall include but not be limited to the following:
1. Corrective action taken by a bidder or contractor to prevent the recurrence of safety violations.
 2. Days Away From Work Incident Rate for the past three (3) years.
 3. Summary of Work-Related Injuries and Illnesses/Incident Rate for the past three (3) years.
 4. Worker's Compensation Experience Modification Rating for the past three (3) years.

5. Fatality record for the past five (5) years.
 6. Detailed information regarding the firm's safety program including but not limited to a Safety and Health plan and qualifications of the safety personnel.
 7. Verification that management staff directly in charge of projects that experienced safety violations listed in aforementioned paragraph A will not be involved in the County project.
 8. Incorporation of safety and health related issues into their new employee orientation programs.
 9. Incorporation of work safety as a part of an employee's performance evaluation.
 10. Support of safety related matters by senior/corporate management. Does the firm have a safety policy statement signed by a member of senior/corporate management?
 11. Designation of a full time Safety Manager. Does this person report to a high level, authoritative position within the Company?
 12. Frequency and type of safety inspections conducted at work sites.
 13. The number and type of safety training programs conducted for employees.
 14. Frequency of safety "tailgate meetings" conducted by the firm.
 15. Designation of an active safety committee, frequency of their meetings and list of members of the committee.
 16. Active membership in a recognized construction safety organization in the Washington Metropolitan area, or in the state of contractor's domicile.
- F. The determination of eligibility rendered by the Purchasing Agent or his designee shall be final unless it is appealed in accordance with the provisions of the solicitation or the Fairfax County Purchasing Resolution.
- G. It shall be a condition of each County construction contract, as discussed above, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer, mechanic, or other person employed in the performance of the contract to work in surroundings or under working conditions which are hazardous or dangerous to his safety, as determined under

construction safety standards promulgated by the U.S. Department of Labor or the Virginia Department of Labor and Industry.

- H. The contractor awarded a County construction contract shall certify in writing that they will not knowingly, willfully, or recklessly employ or contract with any person, company, corporation, or any other entity for services pursuant to that contract if such person, company, corporation, or other entity could not have been awarded such contract due to the restrictions in paragraph C, above.
- I. The contractor shall also certify in writing that all safety related information provided in accordance with the Safety Resolution and contract requirements are complete, accurate and truthful.
- J. The failure to provide information requested pursuant to this Resolution or the failure to conform to the certification requirements of this Resolution shall be grounds for disqualifying a prospective bidder.
- K. The County may impose the following sanctions upon a contractor who willfully submits any false or misleading certification or information regarding material facts in connection with submissions pursuant to this Resolution, or willfully omits any certification or information regarding material facts in connection with submissions pursuant to this Resolution. The term willful shall include intentional or reckless acts or omissions.
 - (1) Disqualify the prospective bidder from bidding a contract.
 - (2) Debar the contractor from bidding future contracts for a period not to exceed three years.
 - (3) Terminate the contract awarded to the bidder after providing notice and opportunity to be heard.

QUALITY CONTROL PROGRAM

Describe your Quality Control and Quality Assurance Programs and its implementation plan.

AFFIDAVIT OF ACCURACY

The undersigned swears or affirms under the penalty of perjury and upon personal knowledge that the contents of the Application for Pre-Qualification are true and correct.

The undersigned swears or affirms under the penalty of perjury that the contractor, it's agents, servants and/or employees, to the best of his/her knowledge and belief, have not in any way colluded with anyone for and on behalf of the contractor an unfair advantage over others, nor have they colluded with anyone for and on behalf of the Contractor, or themselves, to gain any favoritism in the award of any contract resulting from this bid.

NAME OF APPLICANT

REPRESENTATIVE/TITLE
(SIGNATURE)

ADDRESS

TELEPHONE NUMBER

DATE

NOTARY SEAL:

PREVAILING WAGE ORDINANCE

By submitting an application for prequalification, the applicant acknowledges that this project shall require Contractor-compliance with the responsibilities and reporting requirements specified in the Fairfax County Prevailing Wage Ordinance listed herein.
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**AN ORDINANCE AMENDING
CHAPTER 2 OF THE FAIRFAX COUNTY CODE,
RELATING TO PAYMENT OF PREVAILING WAGE FOR WORK PERFORMED
ON COUNTY CONSTRUCTION CONTRACTS**

AN ORDINANCE to amend Chapter 2 the Fairfax County Code by adding Article 3, Payment of Prevailing Wage for Work Performed on County Construction Contracts, Sections 2-3-1 and 2-3-2.

As adopted on January 25, 2022

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Chapter 2 of the Fairfax County Code is amended and a new Article 3 is adopted, as follows:**

ARTICLE 3. Payment of Prevailing Wage for Work Performed on County Construction Contracts.

Section 2-3-1. – Definitions.

- (a) *Construction* has the meaning set out in the Fairfax County Purchasing Resolution. For the purposes of this ordinance, construction does not include work performed by a County Public Body’s forces directly.
- (b) *County Public Body* means those public bodies described in Article 1 of the Fairfax County Purchasing Resolution that procure Construction services paid for with Fairfax County funds. Specifically, the Fairfax County Board of Supervisors, the Fairfax County School Board, the Fairfax County Park Authority, or the Fairfax County Redevelopment and Housing Authority.
- (c) *County Construction Contract* means a contract for construction (1) to which a County Public Body is a party; and (2) is solicited in accordance with the Virginia Public Procurement Act.
- (d) *Prevailing wage rate* means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in the locality in which the public facility or immovable property that is the subject of construction is located, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.

Section 2-3-2. – Prevailing Wage for County Construction Contracts:

- (a) Any contractor or subcontractor who employs any mechanic, laborer, or worker to perform work contracted to be done under a County Construction Contract at a rate that is less than the prevailing wage rate (i) is liable to such individuals for the payment of all wages due, plus interest at an annual rate of eight percent accruing from the date the wages were due; and (ii) will be disqualified from bidding on public contracts with any public body until the contractor or subcontractor has made full restitution of the amount described in clause (i) owed to such individuals. A contractor or subcontractor who willfully violates this section is guilty of a Class 1 misdemeanor.
- (b) Upon the award of any County Construction Contract, the contractor to whom such contract is awarded must certify, under oath, to the Commissioner of Labor and Industry the pay scale for each craft or trade employed on the project to be used by such contractor and any of the contractor's subcontractors in determining compensation for work to be performed under such County Construction Contract. This certification will, for each craft or trade employed on the project, specify the total hourly amount to be paid to employees, including wages and applicable fringe benefits, provide an itemization of the amount paid in wages and each applicable benefit, and list the names and addresses of any third-party fund, plan or program to which benefit payments will be made on behalf of employees. Within five (5) days of certifying to the Commissioner of Labor and Industry, the contractor must provide a copy of the certification to the Purchasing Agent or County organization with responsibility for the County Construction Contract as identified in the Fairfax County Purchasing Resolution, Article 1, Section 3.
- (c) Each contractor or subcontractor subject to the provisions of this section must keep, maintain, and preserve (i) records relating to the wages paid to and hours worked by each individual performing the work of any mechanic, laborer, or worker and (ii) a schedule of the occupation or work classification at which each individual performing the work of any mechanic, laborer, or worker on the public works project is employed during each workday and week. The contractor or subcontractor must preserve these records for a minimum of six years from contract expiration or termination and make such records available to the Department of Labor and Industry or the County Public Body within 10 days of a request and shall certify that records reflect the actual hours worked and the amount paid to its workers for whatever time period they request.
- (d) Within ten (10) days of a Notice to Proceed, contractors and subcontractors performing construction services pursuant to a County Construction Contract must post the general prevailing wage rate for

each craft and classification involved, as determined by the Commissioner of Labor and Industry, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at any such places as are used by the contractor or subcontractors to pay workers their wages. This posting must be made in those languages determined by the Purchasing Agent, in consultation with the American Community Survey, that provide meaningful access to the information in the posting to workers with limited English proficiency. Within 10 days of such posting, a contractor or subcontractor shall certify to the Commissioner of Labor and Industry its compliance with this subsection.

- (e) Any interested party, which is a bidder, offeror, contractor, or subcontractor, shall have standing to challenge any bid specification, project agreement, or other public contract for Construction that violates the provisions of this section. Such interested party shall be entitled to injunctive relief to prevent any violation of this section. Any interested party bringing a successful action under this section shall be entitled to recover reasonable attorney fees and costs from the responsible party.
- (f) The provisions of this section do not apply to County Construction Contracts:
 - i. valued at less than \$250,000;
 - ii. subject to Federal prevailing wage law;
 - iii. solicited and awarded before July 1, 2022, including any renewals; or
 - iv. excluded from the Virginia Public Procurement Act.
- (g) The Purchasing Agent has the authority to establish additional departmental procedures, not inconsistent with the provisions of this Article, designed to administer and enforce this Article.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That this Ordinance is effective July 1, 2022.