

## Weatherization Bulletin #501A

**To:** Executive Directors and Weatherization Managers  
**From:** Clarice Sabree Supervisor, OLIEC  
**Supersedes:** Not Applicable  
**Topic:** Responsible Contractor

### 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 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; and 3. work history.

For the purpose of the Responsible Contractor Certification a "trained and qualified workforce" shall be:

1. a workforce where half the individuals working on the job have completed a weatherization training program that meets the following minimum requirements:
  - a. offers open enrollment
  - b. which a minimum of 50% of all training participants meet the following requirements:
    - i. resides in a distressed neighborhood
    - ii. is a low- income individual and
    - iii. in the 365 days prior to commencement of work on the covered project,
      - 1) has not registered as an apprentice in a certified apprenticeship program,
      - 2) has not performed craft labor as a licensed journeyman.

### Contractors who weatherized units under WAP in each of the last three fiscal years:

Contractors who weatherized units under WAP in each of the last three fiscal years can meet the requirement of employing a "trained and qualified workforce" if half the individuals working on the job:

1. have completed weatherization training program that meets the requirements set forth above OR
2. meet all four of the following requirements:
  - a. was hired prior to May 15, 2009; and
  - b. has worked at least 1000 hours on projects funded by WAP during the prior three years; and
  - c. were on the bidder's active payroll for at least 60 out of the 180 prior days; and
  - d. resides in a distressed neighborhood or is a low-income individual.

Any contractor that relies on existing workers that have not completed the weatherization training program detailed above, must ensure that prior to completion of the all the units within the bid those current workers receive at least 40 hours of training from an approved weatherization training program. The contractor must also certify 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 meet the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding.”

**Contractor’s that currently do not employ a “trained and qualified workforce” as defined above.**

A Bidder that does not currently employ a trained and qualified workforce, as defined above may still submit a bid provided they certify that: “A minimum of 50% of the total monthly work hours required to complete the contract will be performed by workers who have met the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding. The Bidder will make every effort to satisfy this requirement as soon as possible and shall submit to the contracting Weatherization Agency a plan for compliance as part of the bid package.”

The trained and qualified workforce compliance plan referenced in the paragraph above must include, at a minimum

1. the names and dates of hire for all current employees of the bidder that will be performing work under the contract,
2. the estimated number of crew labor and crew supervisor hours to be worked on during the course of the contract
3. the estimated number of new jobs created (expressed in Full Time Equivalent (FTE) positions, number of labor hours divided by number of hours in a work week) during the course of the WAP contract,
4. and the process by which a trained and qualified workforce will be selected.

**Small Business Bidder Exception:**

A small business bidder does NOT have to certify that “A minimum of 50% of the total monthly work hours required to complete the contract will be performed by workers who have met the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding.” To qualify, the small business bidder must meet the following requirements at the time of its bid submission:

1. the small business bidder has its principal place of business in a distressed neighborhood for at least 24 months; and
2. weatherizes less than 25 units per calendar year funded by ARRA WAP; and
3. employs no more than five crew members at a time.

However, the small business bidder must submit a trained and qualified workforce compliance plan. This plan must provide for at least 40 hours of training for its current workforce in an approved weatherization training program and must certify that “all new crew workers and supervisors hired subsequent to acceptance of the WAP contract shall meet the requirements of a “trained and qualified workforce” as set forth in the State of New Jersey’s State Plan and Application for Weatherization Assistance Program American Recovery and Reinvestment Act funding.” The small business bidder’s qualified workforce compliance plan must include the following:

1. the names and dates of hire for all current employees of the small business bidder that will be performing the work under the contract.
2. the estimated number of crew labor and crew supervisor hours to be worked during the course of the contract.
3. the estimated number of new jobs created (expressed in Full Time Equivalent (FTE) positions, number of labor hours divided by number of hours in a work week) during the course of the WAP contract, and
4. the process by which any new hires will be selected.

**Weatherization Agencies shall be responsible for ensuring all bids either:**

1. fully comply with having a trained and qualified workforce; or
2. if the contractor does not fully comply with having a trained and qualified workforce, but does have
  - a. the required certification; AND
  - b. a trained and qualified workforce compliance plan with the minimum requirements above and which has a realistic trained and qualified compliance plan;