

**SUB-BIDDERS' UPDATE STATEMENTS ARE NOT PUBLIC RECORDS AND
ARE NOT OPEN TO PUBLIC INSPECTION (M.G.L. C.149, §44D)**

Sub-Bidder Update Statement

TO ALL SUB-BIDDERS, TRADE CONTRACTORS AND AWARDING AUTHORITIES

A COMPLETED AND SIGNED SUB-BIDDER UPDATE STATEMENT MUST BE SUBMITTED WITH EVERY FILED SUB-BID PURSUANT TO M.G.L. c.149, §44F AND EVERY TRADE SUB-BID PURSUANT TO M.G.L. c. 149A. ANY FILED SUB-BID OR TRADE SUB-BID SUBMITTED WITHOUT AN APPROPRIATE SUB-BIDDER UPDATE STATEMENT IS INVALID AND MUST BE REJECTED.

Caution: This form is to be used for submitting Filed Sub-Bids and Trade Sub-Bids Only

AWARDING AUTHORITIES

If the Awarding Authority determines that the Sub-Bidder is not competent to perform the work as specified on the project, it should reject the bid.

SUB-BIDDER'S AFFIDAVIT

I swear under the pains and penalties of perjury that I am duly authorized by the bidder named below to sign and submit this Sub-Bidder Update Statement on behalf of the bidder named below, that I have read this Sub-Bidder Update Statement, and that all of the information provided by the bidder in this Sub-Bidder Update Statement is true, accurate, and complete as of the bid date.

Bid Date

Print Name of Sub-Bidder or Trade Contractor

Project Number
(or name if no number)

Business Address

Awarding Authority

Telephone Number

SIGNATURE⇒

Bidder's Authorized Representative

INSTRUCTIONS

INSTRUCTIONS TO SUB-BIDDERS

- This form must be completed and submitted by all Filed Sub-Bidders bidding on projects pursuant to M.G.L. c. 149, §44F and Trade Contractors bidding on projects pursuant to M.G.L. c. 149A.
- You must give complete and accurate answers to all questions and provide all of the information requested. MAKING A MATERIALLY FALSE STATEMENT IN THIS SUB-BIDDER UPDATE STATEMENT IS GROUNDS FOR REJECTING YOUR BID AND FOR DEBARRING YOU FROM ALL PUBLIC CONTRACTING.
- **This Sub-Bidder Update Statement must include all requested information that was not previously reported on the Application used for your company's most recently issued (not extended or amended) Sub-Bidder Certificate of Eligibility. The Sub-Bidder Update Statement must cover the entire period since the date of that Application, NOT since the date of your Certification.**
- You must use this official form of Sub-Bidder Update Statement. Copies of this form may be obtained from the awarding authority or from the DCAMM Web Site:
www.mass.gov/DCAMM/certification.
- If additional space is needed, please copy the appropriate page of this Sub-Bidder Update Statement and attach it as an additional sheet.

INSTRUCTIONS TO AWARDING AUTHORITIES

Determination of Sub-Bidder Qualifications

- It is the awarding authority's responsibility to determine each responsible bidder. You must consider all of the information in the bidder's Sub-Bidder Update Statement in making this determination. Remember: this information was not available to the Division of Capital Asset Management and Maintenance at the time of certification.
- The Sub-Bidder's performance on the projects listed in Parts 1 and 2 must be part of your review. Contact the project references.
- Awarding Authorities are strongly encouraged to review the Sub-Bidder's entire certification file at the Division of Capital Asset Management and Maintenance, telephone (857) 204-1305 or via email at certification.DCamm@mass.gov for an appointment.

Correction of Errors and Omissions in Sub-Bidder Update Statements

Matters of Form: An awarding authority shall not reject a Sub-Bidder's bid because there are mistakes or omissions of form in the Sub-Bidder Update Statement submitted with the bid pursuant to M.G.L. c.149, §44D, provided the Sub-Bidder promptly corrects those mistakes or omissions upon request of the awarding authority. [810 CMR 8.13(1)]

Correction of Other Defects: An awarding authority may, in its discretion, give a Sub-Bidder notice of minor defects and omissions as to form in the Sub-Bidder's Update Statement and provide an opportunity to correct its Sub-Bidder Update Statement. However, the Sub-Bidder shall not be allowed to make corrections to a Sub-Bidder Update Statement if material information about the Sub-Bidder was omitted from the Sub-Bidder Update Statement filed with the Sub-Bidder's bid. The Awarding Authority shall advise DCAMM of any material omissions in a Sub-Bidder's Update Statement. [810 CMR 8.13(2)]

PART 1 - COMPLETED PROJECTS

List All Public And Private Projects Of \$20,000 or more your company has completed since the date of application for your most recently issued (not extended or amended) Sub-Bidder Certificate Of Eligibility*.

PROJECT TITLE & LOCATION	WORK CATEGORY	CONTRACT PRICE	START DATE	DATE COMPLETED

Attach additional sheets if necessary

* If your company has been terminated from a project prior to completion of the work or has failed or refused to complete its work under any contract, full details and an explanation must be provided. See Part 3 of this Sub-Bidder Update Statement.

PROVIDE THE FOLLOWING REFERENCE INFORMATION FOR EACH COMPLETED PROJECT LISTED ON THE PREVIOUS PAGE.

PROJECT TITLE		COMPANY NAME	CONTACT PERSON	TELEPHONE	EMAIL ADDRESS
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				

Is your company or any individual who owns, manages or controls your company affiliated with any owner, designer or general contractor named above, either through a business or family relationship? ☐ YES ☐ NO

Are any of the contact persons named above affiliated with your company or any individual who owns, manages or control your company, either through a business or family relationship? ☐ YES ☐ NO

If you have answered YES to either question, explain. _____

PART 2 – PROJECTS IN PROGRESS CONTRACTS

List all public and private projects of \$20,000 or more your company has under contract on this date regardless of when or whether the work commenced.

1	2	3	4	5	6	7
PROJECT TITLE & LOCATION	WORK CATEGORY	START AND END DATES (MM/YYYY)	ON SCHEDULE (yes / no)	CONTRACT PRICE	% NOT COMPLETE	\$ VALUE OF WORK NOT COMPLETE (col. 5 X col. 6)

PROVIDE THE FOLLOWING REFERENCE INFORMATION FOR EACH INCOMPLETE PROJECT LISTED ON THE PREVIOUS PAGE.

PROJECT TITLE		COMPANY NAME	CONTACT PERSON	TELEPHONE	EMAIL ADDRESS
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				
	OWNER:				
	DESIGNER				
	GC:				

Is your company or any individual who owns, manages or controls your company affiliated with any owner, designer or general contractor named above either through a business or family relationship? ☐ YES ☐ NO

Are any of the contact persons named above affiliated with your company or any individual who owns, manages or control your company, either through a business or family relationship? ☐ YES ☐ NO

If you have answered YES to either question, explain. _____

PART 3 - GENERAL PERFORMANCE

For Parts 3 and 4, if you answer YES to any question, please provide on a separate page a complete explanation. Information you provide herein must supplement the application for your most recently issued (not extended or amended) Sub-Bidder Certificate of Eligibility. You must report all requested information not previously reported on that application.

Include all details [project name(s) and location(s), names of all parties involved, relevant dates, etc.].

	YES	NO
5A. Has your Company been terminated prior to completion of a Contract?	<input type="checkbox"/>	<input type="checkbox"/>
5B. Has your Company failed or refused to perform or complete any of its Scope of Work under any Contract prior to substantial completion?	<input type="checkbox"/>	<input type="checkbox"/>
5C. Has your Company and/or any principal, officer, or individual with a Financial Interest in your Company filed for bankruptcy?	<input type="checkbox"/>	<input type="checkbox"/>
5D. Has a surety for your Company taken over or been asked to complete your Scope of Work under any Contract?	<input type="checkbox"/>	<input type="checkbox"/>
5E. Has a payment or performance bond been invoked against your Company on any Contract?	<input type="checkbox"/>	<input type="checkbox"/>
5F. Has any surety for your Company made payment under a payment bond to a vendor or supplier or other party on any Contract?	<input type="checkbox"/>	<input type="checkbox"/>
5G. Has any subcontractor filed a demand for direct payment on any of your Contracts?	<input type="checkbox"/>	<input type="checkbox"/>
5H. Has a lawsuit been filed by any of your subcontractors or suppliers to enforce a mechanic's lien in connection with any of your Contracts?	<input type="checkbox"/>	<input type="checkbox"/>
5I. Has there been a death of any Company employee or other person in connection with (or as the result of) performing your Company's Scope of Work on any of your Contracts?	<input type="checkbox"/>	<input type="checkbox"/>
5J. Has any Company employee or other person suffered an injury while performing any tasks within the Scope of Work on any of your Contracts resulting in his/her inability to return to work for a period in excess of one year?	<input type="checkbox"/>	<input type="checkbox"/>

PART 4 - Legal or Administrative Proceedings; Compliance with Laws

Please answer the following questions. Information must supplement all judicial and administrative proceedings involving bidder's company, which were instituted or concluded (adversely or otherwise) since your company's Application for your most recently issued (not extended or amended) Sub-Bidder Certificate of Eligibility. You must report all requested information not previously reported on that DCAMM Application.

The term "administrative proceeding" as used in this Sub-Bidder Update Statement includes (i) any action taken or proceeding brought by a governmental agency, department or officer to enforce any law, regulation, code, legal, or contractual requirement, except for those brought in state or federal courts, or (ii) any action taken by a governmental agency, department or officer imposing penalties, fines or other sanctions for failure to comply with any such legal or contractual requirement.

The term "anyone with a financial interest in your company" as used in this Section "I", shall mean any person and/or entity with a 5% or greater ownership interest in the applicant's company.

If you answer YES to any question, on a separate page provide a complete explanation of each proceeding or action and any judgment, decision, fine or other sanction or result. Include all details (name of court or administrative agency, title of case or proceeding, case number, date action was commenced, date judgment or decision was entered, fines or penalties imposed, etc.).

	YES	NO
6.A. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to the procurement or performance of any of your Contracts?	<input type="checkbox"/>	<input type="checkbox"/>
6.B. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to a violation of any state or federal construction procurement laws?	<input type="checkbox"/>	<input type="checkbox"/>
6.C. Have any criminal charges involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to the procurement or performance of any of your Contracts (e.g., fraud, graft, embezzlement, forgery, bribery, falsification or destruction of records or receipt of stolen property)?	<input type="checkbox"/>	<input type="checkbox"/>
6.D. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to a violation of state ethics laws (in Massachusetts: M.G.L. Chapter 268A)?	<input type="checkbox"/>	<input type="checkbox"/>

PART 4 - Legal or Administrative Proceedings; Compliance with Laws (continued)

	YES	NO
6.E. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to a violation of any state or federal law regulating hours of labor, unemployment compensation, minimum wages, prevailing wages, overtime pay, equal pay, child labor or worker's compensation?	<input type="checkbox"/>	<input type="checkbox"/>
6.F. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to a violation of any state or federal law prohibiting discrimination in hiring and/or employment?	<input type="checkbox"/>	<input type="checkbox"/>
6.G. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled for violation of any state or federal law regulating labor relations, including collective bargaining agreements, employee welfare benefit plans, employee pension benefit plans, other ERISA and non-ERISA plans?	<input type="checkbox"/>	<input type="checkbox"/>
6.H. Have any proceedings by a local, state, or federal agency been brought, concluded, or settled relating to decertification, debarment or suspension of your Company and/or any principal or officer or individual with a Financial Interest in your Company from construction contracting?	<input type="checkbox"/>	<input type="checkbox"/>
6.I. Have any Judicial Actions or Administrative Proceedings involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled relating to a violation of state or federal environmental laws?	<input type="checkbox"/>	<input type="checkbox"/>
6.J. Has your Company been fined or sanctioned by OSHA and/or any other state or federal agency for violations of any laws or regulations related to occupational health or safety?	<input type="checkbox"/>	<input type="checkbox"/>
6.K. Has your Company ever (i) failed to meet applicable workforce and/or diversity program goals, benchmarks or other requirements, and/or (ii) been sanctioned, fined and/or penalized for non-compliance with workforce policies and/or diversity programs (e.g., for MBEs, WBEs, SDVOBEs and DBEs) and/or failure to maintain and/or submit required reports, such as certified payrolls.	<input type="checkbox"/>	<input type="checkbox"/>
6.L. Other than previously reported in the above questions, have any Judicial Actions or Administrative Proceedings or investigations involving your Company and/or a principal or officer or individual with a Financial Interest in your Company been brought, concluded, or settled by any local, state or federal agency relating to the procurement or performance of any construction contract?	<input type="checkbox"/>	<input type="checkbox"/>

PART 5 - SUPERVISORY PERSONNEL

List all supervisory personnel who will be assigned to the project if your company is awarded the contract.

Attach the resume of each person listed below.

NAME	TITLE OR FUNCTION

PART 6 - CHANGES IN BUSINESS ORGANIZATION OR FINANCIAL CONDITION

Have there been any changes in your company's business organization (**including changes in ownership, mergers, or asset/stock sales**), financial condition or bonding capacity since the date your current Certificate of Eligibility was issued? ☐ Yes ☐ No

If YES, attach a separate page providing complete details.

PART 7 – LIST OF COMPLETED CONSTRUCTION PROJECTS SUBMITTED TO THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE ALONG WITH CERTIFICATION SIGNATURE PAGE.

Attach here a copy of the list of completed construction projects which was submitted with your company's application for your most recently issued (not extended or amended) Sub-Bidder Certificate of Eligibility. The Attachment must include a complete copy of the entire Completed Projects spreadsheet and the final page Certification (Signature) Page of the online application, containing the signature and date the completed projects list was submitted to the Division of Capital Asset Management and Maintenance.