

**SAFETY RECORD QUESTIONNAIRE
& STATEMENT OF BIDDER'S SAFETY EXPERIENCE**
(must be submitted with bid form)

Pursuant to Section 252.0435 of the Local Government Code, the Austin City Council will consider the safety records of potential contractors prior to awarding bids on City contracts. The City of Austin has adopted the following written definitions and criteria for accurately determining the safety record of a bidder prior to awarding bids on City contracts. The term "bidder" includes the firm, corporation, partnership, or other legal entity represented by the bidder or anyone acting for such firm, corporation, partnership or other entity submitting the bid. The definitions and criteria for determining the safety record of a bidder are:

"Citations" include notices of violation, notices 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, and judicial final judgments. Notice of Violations and Notice of Enforcement received from the TCEQ shall include those classified as major violations and moderate violations under the TCEQ'S regulations for documentation of Compliance History, 30 Texas Administrative Code, Chapter 60.2 (c) (1) and (2).

"Environmental Protection Agency" includes, but is not limited to the Texas Commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Texas Department of Health, the Texas Parks and Wildlife Department, the Structural Pest Control Service, agencies of local governments responsible for enforcing environmental protection laws or regulations, and similar regulatory agencies of other states of the United States.

1. If the bidder's response to the following questions reveals more than two (2) cases in which final orders have been entered by the Occupational Safety and Health Review Commission (OSHRC) against the bidder for serious violations of Occupational Safety & Health Administration (OSHA) regulations within the past five (5) years, the City will, at its discretion, determine whether to disqualify the bidder.
2. If the bidder's response to the following questions reveals more than one (1) case in which bidder has received a citation or for which final orders have been entered from an environmental protection agency for violations within the past five (5) years, the City will, at its discretion, determine whether to disqualify the bidder.
3. If the bidder's response to the following questions reveals that the bidder has been convicted of a criminal offense within the past ten (10) years or has been subject to a judgment for a negligent act or omission, which resulted in serious bodily harm or death, at its discretion, the City will determine whether to disqualify the bidder.
4. The City may consider the responses to each question listed below separately when making a discretionary determination of whether to disqualify a bidder and it may consider the cumulative impact of the information generated by the bidder's responses in making the determination.
5. In order to consider the safety records of potential contractors prior to awarding bids on City contracts, the City requires that bidders answer the following three (3) questions and submit them with their bids:

QUESTION ONE

Has the "bidder" received any Citations for violations of OSHA within the past five (5) years?

☐ Yes ☐ No

QUESTION TWO

Has the bidder received any Citations for violations of environmental protection laws or regulations within the past five (5) years?

☐ Yes ☐ No

QUESTION THREE

Has the bidder ever been convicted, within the past ten (10) years, of a criminal offense or has been subject to a judgment for a negligent act or omission, which resulted in serious bodily injury or death?

☐ Yes ☐ No

If the bidder has indicated "Yes" to any question above, the bidder must provide to the City, with its bid submission, the following information:

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

In addition, the City will utilize the following information and in its discretion, as additional support to make any discretionary determination of whether to disqualify a bidder. Accordingly, bidder must answer the following questions and provide evidence that it meets minimum OSHA construction safety standards and has a lost time injury rate that does not exceed the limits established below:

1. Does the bidder have a written construction safety program? ☐ Yes ☐ No
2. Does the bidder conduct regular construction site safety inspections? ☐ Yes ☐ No
3. Does the bidder have an active construction safety training program? ☐ Yes ☐ No
4. Has the bidder been fined by OSHA for any willful safety violations in the past three (3) years? ☐ Yes ☐ No
5. Does the company have a lost time injury rate and a total recordable injury rate of less than or equal to the national average for North American Industrial Classification System (NAICS) Category 23 for each of the past five (5) years? (Attach the bidder's OSHA 300/300A logs for the past five (5) years) ☐ Yes ☐ No
6. Does the bidder have an experience modifier rate of 1.0 or less? (Attach the bidder's NCCI workers compensation experience rating sheets for the past five (5) years) ☐ Yes ☐ No
7. Does the bidder or affected subcontractors have competent persons in the following areas (as applicable to the scope of the current Project):
 - A. Scaffolding ☐ Yes ☐ No ☐ N/A
 - B. Excavation ☐ Yes ☐ No ☐ N/A
 - C. Cranes & Hoists ☐ Yes ☐ No ☐ N/A

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|-----------------------------|------------------------------|-----------------------------|------------------------------|
| D. Electrical | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| E. Fall Protection | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| F. Confined Spaces | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| G. Material Handling | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| H. Demolition | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| I. Steel Erection | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| J. Underground Construction | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

8. Has the "bidder" had any OSHA inspections within the past six (6) months for which no Citations have been received or for which any Citations have been resolved or vacated?

☐ Yes ☐ No

If the bidder has indicated "YES" to questions 4, 5, 6, or 8 above, the bidder must provide to the City, with its bid submission, sufficient supporting documentation to indicate the nature and magnitude of the underlying issues.

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF TRAVIS

I certify that my responses and the information provided are true and correct to the best of my personal knowledge and belief and that I have made no willful misrepresentations in this Questionnaire, nor have I withheld any relevant information in my statements and answers to questions. I am aware that any information given by me in this questionnaire may be investigated and I hereby give my full permission for any such investigation and I fully acknowledge that any misrepresentations or omissions in my responses and information may cause my bid to be rejected.

Bidder's full name and entity status:

Signature, Authorized Representative of Bidder

Title

Date

END