STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

August 27, 2014

TO: ALL STATE AGENCIES, SCHOOL DISTRICTS, MUNICIPALITIES, VOLUNTEER FIRE COMPANIES AND POLITICAL SUBDIVISIONS

FROM: Pamela Barr
STATE CONTRACT PROCUREMENT OFFICER
302-857-4570

SUBJECT: **AWARD NOTICE - Addendum #1 – Effective October 1, 2016**
CONTRACT NO. GSS14236-ELEVATOR_INSP
ELEVATOR AND ESCALATOR INSPECTIONS

TABLE OF CONTENTS
OF
KEY CONTRACT INFORMATION

1. MANDATORY USE CONTRACT 2
2. CONTRACT PERIOD 2
3. VENDOR 2
4. SHIPPING TERMS 2
5. PRICING 2
ADDITIONAL TERMS AND CONDITIONS 2

GOVERNMENT SUPPORT SERVICES – CONTRACTING
100 ENTERPRISE PLACE – SUITE 4 – DOVER, DE 19904-8202
PHONE: (302) 857-4550 – FAX: (302) 739-3779 – GSS.OMB.DELAWARE.GOV

KEY CONTRACT INFORMATION

1. MANDATORY USE CONTRACT

(Return to Table of Contents)

REF: Title 29, Chapter 6911(d) Delaware Code. Every state department and agency within the Executive Branch and Judicial Branch of the state government shall procure all material, equipment and nonprofessional services through the statewide contracts administered by Government Support Services, Office of Management and Budget. Delaware State University, Delaware Technical and Community College, the operations funded by Public School Districts, Delaware Transit Corporation, the Legislative Branch and the Board of Pension Trustees and their consultants are specifically exempted from the requirements of this subsection.

2. CONTRACT PERIOD

(Return to Table of Contents)

Each contractor's contract shall be valid for a two (2) year period from October 1, 2014 through September 30, 2016. Each contract may be renewed for two (2) one (1) year periods through negotiation between the contractor and Government Support Services. Negotiation may be initiated no later than ninety (90) days prior to the termination of the current agreement.

Addendum #1 extends the contract for one (1) additional year through September 30, 2016. All other terms and conditions remain the same.

3. VENDOR

(Return to Table of Contents)

LIBERTY ELEVATOR EXPERTS, LLC
804 BRANCH ROAD
NEWARK, DE 19711
CONTACT: Christopher Dodds
PHONE: 302-650-4688
Email: chris@Libertyelevatorexperts.com
FSF#0000220676

4. SHIPPING TERMS

(Return to Table of Contents)

F.O.B. destination; freight pre-paid.

5. PRICING

(Return to Table of Contents)

Prices will remain firm for the term of the contract year. Pricing can be found on the Award Notice Pricing Spreadsheet.

ADDITIONAL TERMS AND CONDITIONS

(Return to Table of Contents)

6. BILLING

The successful vendor is required to <u>"Bill as Shipped" to the respective ordering agency(s)</u>. Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.

a. Hourly Billing: The hourly billing for re-inspections, as requested or required, shall reflect actual time spent on-site, time spent on research and report preparation, and up to a maximum of one (1) hour each way for travel.

b. Below are known billing addresses for elevators on this contract. This list may not be complete and is subject to change.

Office of Management and Budget
Division of Facilities Management
Business Office
Haslett Armory
122 Wm. Penn St.
Dover, DE 19901

Dept of Corrections
Maintenance Dept.
245 McKee Rd.
Dover, DE 19904
Attn: Eric Smeltzer

Dept. of Services for Children, Youth and Their Families
Division of Administration
1825 Faulkland Rd.
Wilmington, DE 19805

DelDOT Canal District
250 Bear Christiana Rd.
Bear, DE 19701

Dept. of Labor
4425 N. Market St.
Wilmington, DE 19802

DHSS/DMS – Facility Operations
Herman Holloway Campus
1901 N. DuPont Hwy.
New Castle, DE 19720

DelTech and Community College
Administrative Services
400 Stanton-Christiana Rd.
Newark, DE 19713

Division of Parks & Recreation
Accounting Office
89 Kings Highway
Dover, DE 19901

DelDOT/DMV/Toll Operations
Newark Plaza
1200 Whitaker Rd.
Newark, DE 19702

Historical & Cultural Affairs
21 The Green
Dover, DE 19901

DelTech-Terry Campus
100 Campus Drive
Dover, DE 19904

Delaware State University
Attn: Accounts Payable
1200 North DuPont Hwy
Dover, DE 19901-2277

Delaware Army National Guard
Attn: Bill Davis
Joint Forces Headquarters
First Regiment Rd.
Wilmington, DE 19808

7. PAYMENT

The agencies or school districts involved will authorize and process for payment each invoice within thirty (30) days after the date of receipt. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.

8. PRODUCT SUBSTITUTION

All items delivered during the life of the contract shall be of the same type and manufacture as specified unless specific approval is given by Government Support Services to do otherwise. Substitutions may require the submission of written specifications and product evaluation prior to any approvals being granted.

9. ORDERING PROCEDURE

Successful contractors are required to have either a local telephone number within the (302) area code, a toll free (800) number, or agree to accept collect calls. Each agency is responsible for placing their orders and may be accomplished by written purchase order, telephone, fax or computer on-line systems. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.

10. PURCHASE ORDERS

Agencies that are part of the First State Financial (FSF) system are required to identify the contract number GSS14236-ELEVATOR_INSP on all Purchase Orders (P.O.) and shall complete the same when entering P.O. information in the state's financial reporting system.

11. REQUIREMENTS

1. On-Site Requirements

   Every employee or associate under the direction of the selectedvendor shall immediately upon entering a facility identify themselves to the building manager or representative with their current QEI photo certification card and conduct an opening conference explaining why the are there and how they will proceed. Upon completion of the service rendered they shall conduct a closing conference with the manager/representative informing them of their findings.

   NOTE: Vendor is required to give a minimum of 48 hours notice, prior to any scheduled inspections.

2. Curriculum Vitaes

   The vendor shall provide with this ITB a Curriculum Vitae (CV) outlining the qualifications of the supervisor responsible for this project and qualifications of any inspectors whose services will be utilized as a result of this contract. If new inspectors are added then this information shall be provided to the Building Manager prior to placing this person in service**. Failure to provide this**

information at time of bid opening will result in your bid being considered non-responsive and will be rejected.

3. Certifications

   Current copies of all required certification cards showing the expiration dates shall be provided to the Building Superintendent, Facility Manager, or Director of Administration for the respective locations.

4. Inspection and Test Reports

   All inspections and tests shall be made on ASME/ANSI checklist for inspections and test or an approved equivalent and shall be accompanied by a list of infractions and recommendations for corrections and improvements.

5. Unsafe Conditions

   Whenever, during the course of any survey, inspection or test, the vendor finds any serious deficiency in the safety features of the equipment or any other condition which in their judgment, renders the equipment unsafe, that equipment shall be immediately placed “OUT OF SERVICE”. The vendor shall notify the building manager or representative of such condition immediately after placing the equipment out of service.

6. Initial Inspection/Survey

   During the initial inspection/survey the vendor will be required to list the equipment numerically in accordance with direction from the building manager and provide the direction required to properly number all equipment.

7. Annual Certificate

   The vendor shall provide a certificate of inspection for posting in/on each unit at the completion of the initial inspection and upon completion of each subsequent annual inspection thereafter.

8. The vendor shall be responsible for scheduling the required test with the designated elevator maintenance contractor.

SPECIFICATION FOR ELEVATOR INSPECTION

This specification is issued to cover Elevator Inspection as required by the National Elevator Code for Elevators located in buildings under control of the Division of Facilities Management.

New Castle County – Facilities Management

Original Test Report must be filed with the Department of Licenses and Inspection, 800 French Street, Wilmington, DE 19801 with a copy to Mr. Art Cohen, Division of Facilities Management, 820 French Street, Wilmington, DE 19801.

Kent County – Facilities Management

Submit Test Report to Mr. Doug Minner, Division of Facilities Management, 192 Transit Lane, Dover DE 19901.

Sussex County – Facilities Management

Submit Test Report to Mr. Don Gerardi, Division of Facilities Management, 23708 Shortly Rd., Georgetown DE 19952.

DOC SECURITY REQUIREMENTS & PROCEDURES

1. REQUIREMENTS:

The correctional facility has issued regulations to be observed by all contractors, their subcontractors (if any) and employees and other firms providing services for or otherwise assigned to or working on the project in order to minimize disruption to prison operations, maintain security and facilitate the construction process. While working inside the prison facilities on a regular or occasional basis, it must be clearly understood that prison security requirements will at all times take precedence over construction operations. The contractor shall comply with all such regulations and consider the regulations when preparing their bid.

2. WORKING AT A DEPARTMENT OF CORRECTION FACILITY:

a) In order for the Department of Correction (DOC) to ensure security on the job site, the prime contractor shall submit a list of all proposed workers who will be working on the site to the DOC including name, social security number, age, sex, race and date of birth. This list shall include all sub-contractors (if any) and any vendors requiring access to the secure perimeter of the facility.

b) Workmen will not be permitted on the campus without approval.

c) All tools, equipment, supplies, etc., shall be removed from the compound building daily.

d) A list of tools must be supplied with each truck. Inventory shall be taken by the contractor at the beginning and end of each workday. Correctional Officers reserve the right to inspect and inventory all toolboxes, workmen and trucks. Report all missing tools immediately. Leave all unnecessary tools at the shop.

e) Trucks should be kept clean of debris. Trash within the vehicle increases the amount of time required to inspect the vehicles.

f) Proper construction clothing is required. Short pants are not permitted.

g) Contractors shall include, in their bid, a sufficient amount of time to enter and depart the facility in a given day. As an example of previous projects at a Department of Correction site, it takes between one half hour to one hour to enter or leave the facility.

h) Contractor is advised that only limited movement will be permitted while inside the compound.

i) Contractors are requested to notify the Director of Custody of Operations upon the termination of worker's services in order that the identification card on file can be pulled and rendered inactive.

j) Completion of a Security Clearance Form is required for all employees (see next page for Form).

3. CONTRABAND/TOOL CONTROL:

a) Title 11, Section 1256 of the Delaware Code specifies that "a person is guilty of promoting prison contraband when: (a) The person knowingly and unlawfully introduces any contraband into detention facility; or (b) The person possesses with intent to deliver any contraband to any person confined within a detention facility; or (c) Being a person confined in a detention facility, he knowingly and unlawfully makes, obtains, or possesses any contraband."

b) No one may introduce into or possess on the grounds of any institution of any of the following that are considered to be contraband except as noted:
   1. Any intoxicating beverage.

   2. Any narcotic, hypnotic, barbiturate, hallucinogenic drug, central nervous stimulant, or drug except as authorized or approved by an institution affiliated physician.

   3. Any firearm or instrument customarily used or designed to be used as a dangerous weapon, or an explosive device, except as authorized or approved by an institution and/or Departmental Administration.

   4. Any instrument that may be used as an aid in attempting an escape.

   5. Hypodermic needle, syringe, or other article, instrument or substance specifically prohibited by the institution administration except as authorized.

   6. Any article of State property for the purpose of removing it from State property without authorization from administrative or supervisory personnel.

c) In addition to above, no inmate may possess:
   1. Tool, instrument or implement which could be used as a dangerous weapon except as are assigned by and used under the supervision of authorized personnel.
   2. Money.

d) Private Contract Repair and Maintenance Workers: Private contracted or contract maintenance workers by, or under contract to perform services, maintenance repair or construction within the institution must complete an inventory listing of all tools, tool boxes and related equipment prior to admittance into the institution. A staff member as so assigned must escort tradesmen or other non-employee workers while in the institution. At entry control points, vehicles and personnel will be searched to include any tools or relating equipment. No tools will remain on the work sites upon departure. Activities must be performed as authorized with proper security and safety precautions.

e) Classification of Tools: It is difficult to classify every specific tool. However, the classification tools can be determined according to the following categories.

   1. Restricted tools are items that can be used by inmates either in effecting an escape or causing death or serious injury. The following tools are typical examples:

      a. Diamond-point drills
      b. Ice picks
      c. Hones and sharpening stock
      d. Metal cutters, blades
      e. Bolt cutters
      f. Cleaners
      g. Cutting torches
      h. Electric drills, portable
      i. Electric bench and portable grinders
      j. Files
      k. Gear pullers
      l. Diamond point and regular hacksaw blades

2. Lost or stolen tools must be reported to security of the Department of Correction.

3. Broken saw blades must be removed from the property (not left or discarded on site).

4. **GENERAL REQUIREMENTS:**

a) All tools will be accounted for by the worker and escorting officer upon completion of daily work.

b) Workers, once entering controlled areas, are not permitted to wander from the work area. Should a worker need to go to another area, he/she will be escorted by an officer.

c) Should work require more than one day to complete, permission to construct and use temporary storage facilities is solely at the discretion of prison authorities. The facility will not accept responsibility for any loss or damage to materials left on site. All tools and equipment should be removed daily.

d) It is essential that construction operation and debris removal be conducted in a manner to assure that materials that may be used as weapons do not fall into the hands of inmates.

e) Anything of unusual nature as loss of a key, identification cards, tools, piping, etc., shall be reported immediately to the escorting officer.

f) In the event that construction requires the description of plumbing, electrical power, etc., the Director of Custody of Operations must receive at least twenty four (24) hours advance notice in order to preserve security and not to disrupt routine activities. When temporary shutdown of service is unavoidable, the work shall be completed at night during a time when the institution's routine will not be interfered.

g) Workers will be denied access to controlled areas should they have relatives or close friends incarcerated in the facility.

h) Workers shall be subjected to all rules and regulations and shall comply with the escorting officers' instruction accordingly.

i) Inmates are not permitted to fraternize with the public or contractors.

5. **SPECIAL REQUIREMENTS:**

a) Materials shall be moved through the buildings using rubber tire vehicles which shall be properly controlled at all times to avoid damage to existing walls, floors, and ceiling surfaces, including doors and door and/or window frames.

b) Water damage will not be tolerated and it is incumbent upon the contractor to take all steps necessary to keep the existing premises dry at all times.

c) All welding and cutting shall be performed by qualified and certified welders. Certificates shall be on file with the Construction Manager prior to commencement of any welding.

d) Existing streets, pavements, lawns, curbs and other finished surfaces disturbed or damaged by excavation or other construction activities shall be repaired and restored to their original conditions to the satisfaction of the Owner and local authorities.

6. **SITE SECURITY:**

The following regulations must be observed by all persons having any association with the construction of this project (employees, subcontractors, workmen, service men, manufacturer's representative, etc.):

1) Photo Identification Card
2) Each trade subcontractor shall submit a list of workers who will be on site. The list will contain the following information on each employee:
    a. Name;
    b. Date of Birth;
    c. Social Security Number; and
    d. Address.

3) Each trade subcontractor will pick up the photo identification cards at the Main Gate (where they will be secured when not in use). He will transport the identification cards and issue the identification card upon arrival of the construction workers (after identifying the worker). The cards will be collected at the end of the day and returned to the Main Gate.

4) Assigning Men to the Site
    a. Each trade subcontractor shall notify the Maintenance Superintendent twenty four (24) hours in advance, but not later than 12:00 Noon, on the previous work day before sending men to the project site so an officer can be assigned to accompany all his personnel.

5) Tools and Materials
    a. No tools or materials shall be left unguarded at any time, and tools shall be removed from the working areas at the end of each working day or at anytime the workmen and assigned officer leave the area.

6) Prison Records
    a. Where a workman or representative visiting the institution has a prison record, the trade subcontractor shall be responsible for obtaining the particulars concerning his record and notifying the institution at least seventy two (72) hours in advance of his visit. The institution will then notify the trade subcontractor and either provide or deny permission for that person to enter the institution. Any workman denied entrance to the institution must be replaced by the trade subcontractor or subcontractor at no additional cost.

7) Workmen Lunch Area/Searches
    a. Workmen are expected to stay in their respective working areas during their lunch period unless leaving the grounds is permitted.
    b. All workmen are expected to submit to a search of themselves, toolboxes, lunch containers, and vehicles at any time if the search is deemed necessary.

8) Prohibited Items
    a. The following items are prohibited from being brought onto the prison grounds and construction site:
        i. Alcoholic beverages and drugs
        ii. Explosive and firearms
        iii. Tobacco products

9) Working Dress and Workmen
    a. Workmen will maintain proper attire while working at the institution.

10) It is forbidden to aid or abet the escape of any inmate, or to advise, connive or assist in any escape, or to conceal any inmate after escape, or withhold information pertaining thereto. Violation of this prohibition can result in prosecution and the law provides for punishment of fine and imprisonment.

11) It is likewise strictly forbidden to bring into or take out of the prison either for pay, or for favor, for any inmate, any article, without the proper authorization from the Maintenance Superintendent.

12) It is forbidden to roam at will throughout the prison. Workers are restricted to going directly to those places where the work is conducted and remaining away from all areas where they have no business to conduct.

13) It is prohibited to socialize, exchange pleasantries, or conduct business with inmates in traffic areas hallways, center areas, etc. Affectionate or intimate behavior between official visitors and inmates is prohibited.

14) All automobiles are to be parked in a location designated by the Maintenance Superintendent. Parked vehicles must always have the ignition and doors locked.

15) No photographs may be taken without proper authorization. No public news releases may be given without similar authorization.

16) Escorting of any person, not previously approved, onto the prison grounds or into the prison is prohibited.

17) The offering and giving of any tips, gratuities, fees, etc. to any inmates or prison personnel are strictly prohibited.

18) The use of indecent, abusive, or profane language is forbidden anywhere on the prison property.

19) Civilian or other clothing should not be left carelessly in places where it may be acquired and worn by inmates.

20) In the event an acquaintance, friend, or relative of contractor's employee should be an inmate of the institution at which work is being conducted, it is advisable that the contractor communicate this confidentially to the Maintenance Superintendent.

21) Tools and Equipment Safety
    a. Flammable Liquids: Maintain flammable liquid (e.g., gasoline, fuels, etc.) in secure containers at all times, in compliance with OSHA regulations.
    b. Tools: Maintain tools and related equipment (e.g. sprinkler heads, hydrants, wires, cables, ducts, manholes, posts, poles, signals, alarm boxes, etc.) at all times.
    c. Powder Actuated Tools: Comply with Owner's and Maintenance Superintendent direction for control of powder used and stored.

22) Construction Personnel Vehicle Parking
    a. Parking spaces for privately owned vehicles operated by construction personnel may be limited.
    b. The Maintenance Superintendent will assign areas within the prison site for parking. Sufficient space will be provided to park privately owned vehicles operated by construction personnel on site.

DEPARTMENT OF CORRECTION
DAILY CONTRACTOR TOOL & EQUIPMENT INVENTORY

The contractor tool/equipment form shall be completed and signed by all contractor personnel prior to entering a DOC facility. The following requirements apply:

1. A new tool & equipment inventory form shall be prepared, signed and dated each day.
2. This form shall serve as an inventory of all work and personal equipment carried into a Department of Correction facility and will serve to ensure that the inventoried equipment is removed from the facility at the end of the work day.
3. Each piece of work and personal equipment noted on this form shall be described in sufficient detail so that it can easily be identified and matched to the inventory by a Department of Correction staff.
4. Department of Correction strongly recommends that when work/personal equipment is to be carried into a Department of Correction facility on a repetitive basis, the equipment be marked with a unique identifier (e.g. personnel initials + number) so that it can be matched to the same unique identifier noted on the tool/equipment form.
5. Prior to entering and exiting secured areas of a Department of Correction facility, the daily tool/equipment inventory shall be reviewed and signed by the escorting officer.
6. If, prior to exiting a secured area, the preparer of this form determines that he or she cannot account for each piece of equipment, then he or she shall immediately notify the escorting officer.
7. If, prior to exiting a secure area, a Department of Correction staff cannot identify each tool or piece of equipment and reconcile it to the items inventoried on this form, then the Department of Correction staff will hold the group of contractor employees in the secure area until the discrepancy is resolved.
8. **All** tools and equipment being brought into the institution will be inventoried. Every job box will have an exact inventory of all tool boxes and equipment stored in that box. The box must be lockable and remained locked when not in use. **There are no exceptions to this rule.** List all tools for example hand tools (e.g. hammers, pliers, wrenches, and screwdrivers), electrical tools (e.g. measuring equipment, splicing equipment), power tools (e.g. drills, saws demolition equipment) and supplies (e.g. saw blades, drill bits). List all other equipment (e.g. two –way radios, writing pads, pens, pencils, etc). However, the list may be expanded to cover equipment specific to a scope of work or project. Fasteners will be inventoried prior to items entering the institution when deemed necessary by the Superintendent who must work in conjunction with the Warden's office on a project-by-project basis**.** Their decision will be based on any potential security risk if lost. For example type of: nails, tap cons, lag bolts (approximately by weight or by box refer to how the item is sold and purchased). No fasteners will be left on any jobsite unless they are secured in a locked job box and approved by security.
9. Items not permitted include, but are not limited to: firearms, medicines, pocket knives, leather man tools, tobacco, matches, lighters, gum, beer, alcohol of any kind, glass bottles or containers, aluminum cans, metal knives spoons or forks, music radios, i-Pods, newspapers, fliers, or magazines.
10. Laptop computers, cameras, cell phones, and pagers are restricted items and their use can only be approved in writing, in advance by the Warden or his designee. Failure to declare an item at the sally port will result in that item being confiscated.

Contractor Name: _____ **Signature & Date:** _____

Tool and Equipment Inventory

IN		OUT	
Date		**Date**	
Contractor Name and Signature		**Contractor Name and Signature**	
Staff Signature		**Staff Signature**	
Time IN		**Time OUT**	

Item Description	Size, Type, Color or Other Identifying Information	Quantity	Unique Identifier	Verify (check)

SECURITY CLEARANCE APPLICATION
BUREAU OF PRISONS
PLEASE PRINT CLEARLY

NAME: _____
(LAST) **(FIRST)** **(MIDDLE)**

PLEASE LIST ALL OTHER NAMES YOU HAVE USED INCLUDING MAIDEN, NICKNAMES AND RELIGIOUS NAMES:
_____

DOB: _____ **PLACE OF BIRTH:** _____ **SSN#:** _____

SEX: ☐ **MALE** ☐**FEMALE RACE:** _____**DRIVER'S LICENSE #:** _____ **State:** _____

ADDRESS: _____ **APT #:** _____

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE: HOME: (_____) _____ **WORK: (_____)** _____

DO YOU HAVE A CRIMINAL CONVICTION AND/OR ARREST ANYWHERE, TO INLCUDE TRAFFIC TICKETS? NO/YES (IF YES, COMPLETE BELOW). HAVE YOU EVER BEEN ARRESTED ANYWHERE WHETHER CONVICTED/DISMISSED/NOLLE PROSSED OR PARDONED: NO /YES (IF YES, COMPLETE BELOW). IF YOU NEED MORE ROOM, PLEASE UTILIZE THE BACK OF THIS FORM.

COUNTRY :_____ **DATE:**_____

OFFENSE: _____ **SENTENCE:** _____

ARE YOU PRESENTLY UNDER DEPT. of CORRECTION SUPERVISION: ☐ NO ☐YES **(IF YES, WHAT):**_____

ARE YOU RELATED TO OR KNOW ANYONE INCARCERATED AT A DOC FACILITY; ☐NO ☐ YES

IF YES, NAME OF INMATE AND YOUR RELATIONSHIP TO THEM: _____

REASON FOR CLEARANCE: _____**DATE OF ACTIVITY:** _____**COMPANY/ ORGANIZATION**_____

COMPANY/ORGANIZATION EMAIL ADDRESS: _____

PLEASE READ AND SIGN:

I understand that prison authorities will verify my criminal record information. I also understand that my application may be rejected for any reason.

SIGNATURE: _____ **DATE:** _____

The following is the result of the DELJIS and NCIC records checks:

DELAWARE WANTS/WARRANTS_____**DELWARE CRIMINAL HISTORY**_____

NCIC WANTS/WARRANTS_____**NCIC CRIMINAL HISTORY**_____

DELJIS/NCIC INVESTIGATOR_____**SIGNATURE**_____**DATE**_____

APPROVED_____ **APPROVAL EXPIRES ON:** _____ **IF DENIED, PLESE INDICATE REASON BELOW:**

DENIED_____ **(1) Dishonest/incomplete application; (2) Active pending warrants/capiases; (3) Felony convictions or incarceration for a felony in past five years; (4) Misdemeanor convictions or incarceration for misdemeanor in past two years; (5) DUI conviction past two years; (6) Trafficking/delivery and/or possession of controlled substance conviction past ten years; (7) Other (See Investigation for info).**
Reviewer's Signature_____Date_____

For a complete list of contract specifications and the equipment list please refer to the original bid solicitation document(s) for GSS14236-ELEVATOR_INSP. Any contract specific documentation will be accessible through the hyperlink(s) provided on this contract's details page.

12. HOLD HARMLESS

The contractor agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against any and all claims for injury, loss of life, or damage to or loss of use of property caused or alleged to be caused, by acts or omissions of the contractor, its employees, and invitees on or about the premises and which arise out of the contractor's performance, or failure to perform as specified in the Agreement.

13. NON-PERFORMANCE

In the event the contractor does not fulfill its obligations under the terms and conditions of this contract, the ordering agency may purchase equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the contractor. Under no circumstances shall monies be due the contractor in the event open market products can be obtained below contract cost. Any monies charged to the contractor may be deducted from an open invoice.

14. FORCE MAJEURE

Neither the contractor nor the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

15. AGENCY'S RESPONSIBILITIES

The Agency shall:

a. Examine and review in detail all letters, reports, drawings and other documents presented by the Contractor to the Agency and render to the Contractor in writing, findings and decisions pertaining thereto within a reasonable time so as not to delay the services of Contractor.

b. Give prompt written notice to the Contractor whenever the Agency observes or otherwise becomes aware of any development that affects the scope or timing of the Contractor's services.

c. When an ordering agency first experiences a relatively minor problem or difficulty with a vendor, the agency will contact the vendor directly and attempt to informally resolve the problem. This includes failure to perform by the date specified and any unacceptable difference(s) between the purchase order and the merchandise received. Ordering agencies should stress to vendors that they should expedite correction of the differences because failure to reply may result in an unfavorable rating in the execution of the awarded contract.

d. The state has several remedies available to resolve non-performance issues with the contractor. The Agency should refer to the Contract Terms and Conditions to view these remedies. When a default occurs, the Agency should first review the contract to confirm that the issue is a part of the

contract. If the issue is not covered by the contract, the state cannot expect the contractor to perform outside the agreement. If the issue is a part of the contract, the Agency or GSS - Contracting must then contact the contractor, discuss the reasons surrounding the default and establish a date when the contractor will resolve the non-performance issue.

e. If there is a performance deficiency, a Corrective Action Report (CAR) may be used. Complete this form to report concerns with vendors or commodities. Be sure to furnish as much detail as possible. http://gss.omb.delaware.gov/divisionwide/forms.shtml.