

**TOWN OF MONTAGUE**  
**REQUEST FOR QUALIFICATIONS (RFQ)**



for an  
**OWNER'S PROJECT MANAGER**

**For Construction of a New Public Works Facility**

**DRAFT Revision 1.2 – 06.26.18**  
**Incomplete, In-Process Draft**

**July 2018**

**Issued by: Montague Selectboard**  
**Awarding Authority: Montague Selectboard**

The Town of Montague is an equal opportunity employer and does not discriminate on the basis of age, gender, race or disability. SOMWBA certified vendors are strongly encouraged to apply.

**REQUEST FOR QUALIFICATIONS (RFQ)**  
**TOWN OF MONTAGUE**  
**OWNER'S PROJECT MANAGER**  
**CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS FACILITY**

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- Town of Montague Standard Contract
- Standard Designer Application Form for Municipalities and Public Agencies

**I. LEGAL NOTICE**

**REQUEST FOR QUALIFICATIONS (RFQ)  
TOWN OF MONTAGUE  
OWNER'S PROJECT MANAGER  
CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS FACILITY**

The Town of Montague, MA, acting through its Selectboard, will receive responses from qualified firms or individuals for Owner's Project Manager (OPM) Services for a new Department of Public Works (DPW) Facility to be located on Turners Falls Road in Turners Falls, MA. The contract for this project is to oversee the design, engineering and construction of the new facility. The estimated construction cost is approximately \$8,900,000. Funding for the design and construction of the project has been secured via debt exclusion approval. It is anticipated that the Project will be completed by July 2020.

**Interested parties may obtain a copy of the RFQ by contacting Steven Ellis, Town Administrator, via email at [townadmin@montague-ma.gov](mailto:townadmin@montague-ma.gov).**

A Pre-Proposal Conference will be held on X/X/2018 beginning at XX am/pm in the Selectboard's second floor conference room at Montague Town Hall - One Avenue A, Turners Falls, MA 01376. The pre-proposal conference will describe the project and its status; outline the requirements and service standards that the Town will expect of the owner's project manager; and provide the opportunity for questions and explanations. **Attendance at the Pre-Proposal Conference is strongly encouraged.**

Questions concerning this RFQ must be submitted to Steven Ellis via email at [townadmin@montague-ma.gov](mailto:townadmin@montague-ma.gov) by X/X/2018. Written responses will be emailed to all applicants on record as having received the RFQ by X/X/2018.

**Responses are to be submitted to the Selectboard's Office no later than X/X/2018 at 4pm.**

Submittals arriving subsequent to this deadline will NOT be considered. Respondents must submit 10 bound copies of their proposal, as well as a USB storage device with electronic copies of all proposal files the proposal and all supporting materials.

The Town reserves the right to reject any and all responses, to waive informalities, and to award in the best interest of the Town.

**Comment [SE1]:** Our Town website's procurement page does not require registration when someone downloads plans, so we'll want to direct vendors to request it from me directly. This is a revision from my initial draft

## II. SCOPE OF SERVICES

### Background

The Town of Montague voted on May 21, 2018 to approve a Debt Exclusion to fund the design and construction of a new Department of Public Works (DPW) Facility adjacent to the Montague Public Safety Complex on Turners Falls Road. Conceptual plans have been developed for a 25,500-square-foot pre-engineered metal facility on municipal land. The project is estimated to cost up to \$11,146,762, with facility construction estimated at \$8,900,000. The new facility will consolidate operations formerly located throughout the Town of Montague, but principally at 500 Avenue A and One Avenue A in the Village of Turners Falls.

The Montague DPW consists of 20 staff, a fleet of 32 vehicles, and 30 pieces of large equipment. The DPW services 108 miles of road, five municipal parks, seven municipal buildings, two village streetscapes, the sewer drainage system, and a transfer station. Montague comprises five villages, and has a population of 8,473 and a median household income of \$52,238 (76% of the state average).

The Montague Selectboard is the contracting authority for this project, but has established a Public Works Facility Building Committee (PWFBC) consisting of nine citizens with diverse expertise to oversee execution of the project. The committee's charge, established June 18, 2018, includes responsibility for overseeing and expeditiously delivering the final design and construction of a new Department of Public Works facility in a manner that is transparent, efficient, and fiscally responsible. The OPM will be expected to work closely with the PWFBC and with the Town Administrator, who is also the Town's Chief Procurement Officer, to ensure a successful project.

### Responsibilities of the OPM

The responsibilities of the OPM shall be consistent with those specified in M.G.L. Chapter 149, Section 44 ½ as set forth in Section 13 of the Acts of 2004. Notwithstanding those specific requirements, the Town conceptualizes this project as consisting of two distinct—but overlapping—phases, with numerous responsibilities of the OPM within each.

Phase I of this project includes but is not limited to assisting the Town with the procurement, management, and oversight of the Project Architect or Engineer [hereinafter, Designer]. Supporting selection of the firm or individual that is best suited to design and specify the project. Phase II includes but is not limited to procurement, management, and supervision of the construction contractor (including sub-bidders) and process for the project. The OPM will also be responsible for records management, quality control, and communication with and among the Town and all vendors over the course of the building project.

**Comment [SE2]:** Add language emphasizing the centrality of the committee to review and execution of the project in collaboration with the OPM and Town staff.

## Phase I: Design

The Owner's Project Manager's (OPM) responsibilities shall include, but not be limited to, the following services:

1. Review and discuss with the PWFBC the schematic design for construction developed through the previously completed Master Plan – Feasibility Study. (Document available at: [https://www.montague-ma.gov/files/ Montague DPW Final Report 06-25-18.pdf](https://www.montague-ma.gov/files/Montague_DPW_Final_Report_06-25-18.pdf))
2. Develop an overall project plan and schedule for review and approval of the PWFBC.
3. In cooperation with the Town Administrator, manage Designer procurement and contract negotiations. Procurement will be consistent with applicable law, including but not limited to the Designer Selection Law (M.G.L c. 7C section 58).
4. |
5. Oversee and review in depth the quality and efficiency of design, as well as the Designer's work schedules and cost estimates.
6. Review the Designer's invoices for services rendered and make recommendations for payment.
7. Identify any conflicts between the schematic and final design and make recommendations to the Town and the Designer to resolve them.
8. Review the Designer's final schematic plans, construction documents, evaluations and specifications for cost effectiveness, constructability issues, operational efficiency, missing items, coordination, and compliance with the requirements of M.G.L. Chapter 149, Section 44A-M and all other applicable laws and regulations including all prequalification requirements.
9. Attend PWFBC and as other committee meetings to which the Project is presented, to for related to permitting requirements and community communication, to present reports and answer questions related to permitting requirements and community communication. This will include discussing with public boards the status of the project, and progress relative to schedule and budget. These expectations will be further discussed and agreed upon with the successful applicant..
10. Act as the Owner's Agent during the planning, final design and engineering development of this project.
11. Oversee the work of the Designer and complete a Designer Evaluation upon completion of the project.

**Comment [SE3]:** Consider addition of Owner's Project Requirements document specifying needs, priorities relative to functionality, features, cost

**Comment [SE4]:** Refine or eliminate language

12. In general, provide advice and consultation to the Town with respect to design, value engineering, operational efficiency, scope of work, cost estimating, general contractor and sub-contractor pre-qualifications, scheduling and coordination of all work.

### Phase II: Construction

1. Manage, with the Town Administrator and the Designer, the issuance of a bid(s) for contract work, as well as all required filed sub-bids in accordance and compliance with all public bidding requirements and General Laws of the Commonwealth of Massachusetts.
2. Attend to all requirements for pre-qualification of bidders and filed sub-bidders and all construction management (CM) requirements.
3. Oversee the work of the General Contractor or Construction Manager throughout construction, with a defined schedule for the OPM's on-site presence and inspection throughout the course of construction.
4. Collect and maintain in orderly fashion for the Town a print and digital archive of all relevant construction documents, as well as all administrative filings and reports related to procurement, construction, permitting, and labor as may be required by state law.
5. Coordinate with all Town Departments, as necessary, to facilitate the completion of the project—including, but not limited to, attending Town board/committee/commission meetings, monitoring project schedule and budget compliance, and coordinating PWFBC inputs into on-site issues with Contractor and Designer.
6. Assist with all required DCAMM and other evaluations of contractors and sub-contractors upon completion of the project.

## III. MINIMUM QUALIFICATIONS AND EVALUATION

### Minimum Qualifications

In order to be eligible for selection, each Respondent must certify in its cover letter that it meets the minimum requirements detailed below. Any response that fails to include such certification in its response—demonstrating that these criteria have been met—will be rejected without further consideration.

1. Each response shall be accompanied by a completed **Standard Designer Application Form** (updated July 2016), a copy of which is attached hereto.

**Comment [SE5]:** Should other routing administrative and reporting requirements be specified?

**Comment [SE6]:** Check to be sure this is necessary relative to OPM submissions

2. Responses shall be signed as follows: (1) if the respondent is an individual, by her/him personally; (2) if the respondent is a partnership, by the name of the partnership, followed by the signature of each general partner; and (3) if the respondent is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and the corporate seal affixed.
3. Proposers must designate an individual who will serve as the **Project Director and Project Manager** and indicate the approximate proportion of time each will devote to the project.
4. **Both the Project Director and Project Manager** shall be registered by the Commonwealth of Massachusetts as an architect or professional engineer and have at least eight (8) years of experience in the construction and supervision of construction and design of public buildings, or; if not registered as an architect or professional engineer, they must have at least ten (10) years' experience in the construction and supervision of construction and design of public buildings.
5. A thorough knowledge of the Massachusetts State Building Code, Stretch Code, the regulations of the Massachusetts Architectural Access Board, and the Americans with Disabilities Act.
6. A thorough and demonstrated knowledge of MA Procurement and Public Construction laws, including without limitation, M.G.L. Chapter 149, Section 44A-1/2. (MCPPPO certification preferred.)
7. Prior experience acting as Owner's Project Manager administering design and construction on multiple projects of similar size and scope, especially DPW Facility Projects.
8. A **demonstrated track record** of project execution with a minimum number (in quantity and cost) of change orders.
9. Financial and operational ability to perform project management services on the project within established budget limits and time schedules.
10. Familiarity and/or experience relating to "green" construction, energy efficiency and generation, and grant sources for same. Experience and enthusiasm incorporating energy-saving strategies and technologies into this type of facility. Examples would include experience with net-zero and near-net zero design, including "passive" design and construction; radiant-floor heating; strategic ventilation; and non-fossil-fuel energy sources and infrastructure, including geothermal (aka ground-source heat pumps), solar thermal, and air-source heat pumps (ASHPs).
11. Not be debarred under M.G.L. c.149, §44C or disqualified under M.G.L. c.7C, §47.
12. Documentation of credentials and experiences required in qualifications 4 through 10, above.

**Comment [SE7]:** Needs to be reconciled with language elsewhere and be tied to OPM specifically.

**Comment [SE8]:** From Ariel –

How many qualified OPMs may we be leaving out by requiring that TWO individuals with these qualifications both be available at the same time to work on our facility? That is, by demanding two such individuals from one firm, we eliminate all the firms that might have ONE such qualified individual available to us, but not two at the same time.

ALSO—If there is a company out there with two people who have these qualifications, that would each be available for our relatively "small potatoes" project, maybe we want to "save" those firms for the bidding to be our Design firm!

**Comment [SE9]:** From Ariel

I love the intention of this. I'm worried it could backfire on us. We don't want our OPM to be hesitant to speak up when a change order is needed to avoid a substandard or even dangerous result. Especially when the inadequacy of a procedure or material shows up during the construction process.

If I forget to share an experience Deerfield had, please remind me. And there is the BP oil spill—caused by skimping on the quality of the glue, applying it and curing it sub-optimally, and a sub-optimal weld!

Let's discuss in the meeting how to get the best of "each side of this story". And I'll be especially interested in Pam's take on my concern.

**Comment [SE10]:** Suggestion from Ariel

## Evaluation

Responses that meet the minimum criteria above must demonstrate how they will meet the following criteria:

**Comment [SE11]:** Requires review to ensure it aligns with Committee expectations. Rubric needs to be developed apart from the RFQ but could be included in it.

1. Completeness of application and compliance with the minimum qualifications.
2. Proposed approach to this project, demonstrating how project management costs will be minimized while also assuring high quality standards of performance in meeting Public Works Facility Building Committee and Town goals and objectives for completion of a well-designed building within budget and schedule and giving maximum value for money.
3. Prior Similar Experience
  - a. Documented experience by the firm and key personnel on similar type and size projects in the last five (5) years.
  - b. Documented experiences by the firm and key personnel on public facility projects and construction projects in Massachusetts.
  - c. Provide contact information for these project as possible references.
4. Past Performance on Public Projects
  - a. Documented successful performance on previous projects of similar cost, size, and trades.
  - b. Documented and demonstrated knowledge of the MA State Building Code and all pertinent codes and regulation related to successful and timely completion of the projects.
  - c. Demonstrated knowledge of MA Procurement and Public Construction laws (MCPPO certification preferred).
5. Financial Stability
  - a. Documentation that the firm has the financial resources and stability to undertake a project of this scope and size in conjunction with any other current projects.
6. Demonstrated Capacity and Resources to Undertake a Project of this Magnitude
  - a. Documentation that the firm has sufficient staff and capacity to undertake this project on the identified schedule in conjunction with any other current projects on which they are working.
  - b. For all key staff, include a list with time allocation to other projects, both currently ongoing and anticipated, during the expected timeline for the Montague DPW Facility project.
  - c. Documentation and verifiable evidence of meeting timelines for public facility construction projects.
7. Identity and Qualifications of Consultants Who Will Work with the Applicant on the Project
  - a. Documentation that any/all consultants have the required registrations and licenses.
  - b. Documentation of experience by any/all consultants on projects of a similar size and cost.



## Comparative Criteria

The following ratings will be used to measure the relative merits of each submission which has met the Minimum and Evaluation Criteria described above. Those submissions which do not meet the criteria will be deemed unacceptable and will not be considered for this project. These rankings will be applied to each of the Evaluation section for the purpose of scoring the value of each submission.

Definition of the rankings is as follows:

1. **Highly Advantageous:** That submission which demonstrably meets or exceeds all requirements of the RFQ criteria.
2. **Advantageous:** That submission which meets or exceeds a majority of the requirements of the RFQ. Vagueness or lack of information may not allow full understanding of the Submitter's description of services, staff qualifications, etc.
3. **Not Advantageous:** That submission which clearly does not meet a majority of the requirements of the RFQ criteria.

The Town of Montague reserves the right to reject any proposal. The PWFBC reserves the right to consider any other relevant criteria that it may deem appropriate, within its sole discretion. The PWFBC may or may not, within its sole discretion, seek additional information from Respondents. This RFQ, any addenda issued, and the selected Respondent's response, will become part of the executed contract. The key personnel that the Respondent identifies in its response must be contractually committed for the Project. No substitution or replacement of key personnel or change in the Sub-Consultants identified in the response shall take place without the prior written approval of the PWFBC.

## IV. FEE

**Supported by the** Town Administrator, the PWFBC will negotiate a fee and final scope of work with the selected OPM. If unable to negotiate a contract with the first-ranked selection, the Town will then commence negotiation with the second ranked selection and so on, until a contract is successfully negotiated and approved by the Town.

The Town reserves the right to re-advertise if a fee and/or final scope of work cannot be negotiated with one of the top three ranked firms. The negotiated fee will include all expenses, direct and indirect, related to this project.

A final construction cost in excess of the initial construction estimate will not, in and of itself, constitute a justification for an increased OPM fee.

**Comment [SE12]:** Committee should consider appointing a lead for the negotiation.

Presently, BOS would have authority to approve negotiated figure and scope unless delegated to the committee.

## V. SUBMISSION DEADLINE AND INSTRUCTIONS

Sealed submissions shall include one (1) signed original and ten (10) copies, as well as a USB storage device containing all proposal files, and must be received no later than [REDACTED], at [REDACTED] AM or PM at the [REDACTED]. Responses submitted by fax or by electronic mail will not be considered. Responses will only be accepted if sent by certified mail (return receipt requested), Federal Express or similar, or delivered by hand between the hours of 8:30 am and 5:30 pm, Monday, Tuesday, Thursday, and between the hours of 8:30 am and 6:30 pm on Wednesday and in either case must be sealed and marked as follows:

**Town of Montague  
RFQ – OPM Services for DPW Facility Project**

The proper mailing address is:

Town of Montague  
Office of the Selectboard  
One Avenue A  
Turners Falls MA 01376

**Applicants must also execute and include in the sealed submission** the Town of Montague Certificate of Corporate Authority, Certificate of Non-Collusion, Conflict of Interest Statement, Certificate of Tax Compliance and a DSB Application Form Updated July 2016 (copies of which are attached) and acknowledgement of any addenda, if applicable.

## VI. QUESTIONS, ADDENDUM, OR MODIFICATION

A Pre-Proposal Conference will be held by Town Officials on X/X/2018 beginning at 10:00 a.m. at the Town Hall First Floor Conference Room- One Avenue A Turners Falls, MA. The pre-proposal conference will describe the project and its status; outline the requirements and service standards that the Town will expect of the owner's project manager; and will provide the opportunity for questions and explanations. **Attendance at the Pre-Proposal Conference is not mandatory but is strongly encouraged.**

Questions concerning this RFQ must be submitted in writing to: Town Administrator 413 863-3200 x 110 or emailed to townadmin@montague-ma.gov by xx/xx/2018. Written responses will be emailed to all applicants on record as having received the RFQ by xx/xx/2018.

If any changes are made to this RFQ, an addendum will be issued. Addenda will be emailed to all applicants on record as having received the RFQ.

An applicant may correct, modify, or withdraw a response by written notice received by the Town prior to the time of opening. Modifications must be submitted in a sealed envelope clearly labeled “**Modification No.\_\_\_\_\_**”. Each modification must be numbered in sequence, and must reference the RFQ.

After the opening, an applicant may not change any provision of their response in a manner prejudicial to the interests of the Town or fair competition. Minor informalities may be waived by the Town.

#### **VII. ADDITIONAL INFORMATION**

1. The Town is an Equal Opportunity employer and encourages responses to RFQ’s from Massachusetts certified minority and women-owned businesses.
2. The Town reserves the right to reject any response which, in its judgment, fails to meet the requirements of the RFQ; or which is incomplete, conditional, or obscure; or which contains additions or irregularities; or in which errors occur; or if determined to be in the best interest of the Town to do so.
3. The Town may cancel this RFQ, in whole or in part, at any time whenever such act is deemed in the best interest of the Town.
4. The Town reserves the right to waive minor discrepancies.
5. No inquiries about this RFQ will be entertained after [REDACTED] PM, [REDACTED].
6. All responses and information submitted in response to this RFQ are subject to the Massachusetts Public Records Law, M.G.L. c.66, sec 10 and c. 4, section 7(26). Any statements in submitted responses that are inconsistent with the provisions of these statutes shall be disregarded.
7. A Respondent may withdraw or modify their proposal prior to the deadline. All proposals submitted must remain valid for 90 days following RFQ deadline.
8. The Owner is not responsible for, and will not pay for, any costs incurred in preparing a Response to the RFS, interviewing for the project, negotiating a contract for the project, or any other costs incurred prior to entering a contract with the OPM.

#### **IIIV. AWARD**

This is not a price competition, but rather the Town’s decision will be based upon qualifications and experience with similar projects. The Town may schedule interviews with three, or more, highest scoring firms or individuals. The Town will rank the finalists based on consideration of the submission requirements, the comparative evaluation criteria, and the interview (if applicable).

All proposals submitted in response to this RFQ shall remain for ninety (90) days following the bid opening. The contract will be awarded within (90) days after the bid opening. The time for award may be extended for up to 45 additional days by mutual agreement.

The Town will evaluate RFQs and enter negotiations with the highest scoring proposer. If unsuccessful, the Town may attempt to negotiate with the second highest scoring proposer (and repeat that process) until successful. Upon a successful negotiation, the Town will incorporate into its Standard Contract (a copy of which is attached hereto) appropriate specifics for this project and submit the contract to the successful respondent for execution. In the event that the selected respondent fails, neglects or refuses to execute the contract within a specified number of days after receiving the Contract from the Town, the Town may at its option terminate and cancel its action in awarding the contract and the contract shall become null and void and of no effect. If negotiations with one or more of the finalists prove unsuccessful, the Town may reject all responses and may choose to re-advertise if deemed in the best interest to do so.

**TOWN OF MONTAGUE, MASSACHUSETTS  
CERTIFICATE OF CORPORATE AUTHORITY**

The principal, officer, or person to sign below pledges under penalties of perjury, that he or she has been designated by the Owner(s) or the Board of Directors of the below named firm as an authorized representative.

Date: \_\_\_\_\_

Signature of individual submitting bid or proposal: \_\_\_\_\_

Printed Name of Person signing the bid or proposal: \_\_\_\_\_

Title of Person signing the bid or proposal: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

**MUST BE SIGNED AND RETURNED WITH RESPONSE**

**TOWN OF MONTAGUE, MASSACHUSETTS  
CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that it has not offered, given, or agreed to give, received, accepted, or agreed to accept, any gift, contribution, or any financial incentive whatsoever to or from any person in connection with the contract. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals. Furthermore, the OPM certifies under the penalties of perjury that throughout the duration of the contract, it will not have any financial relationship in connection with the performance of this contract with any materials manufacturer, distributor or vendor. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the Securities and Exchange Commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation.

Authorized Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone # \_\_\_\_\_ Date \_\_\_\_\_

**MUST BE SIGNED AND RETURNED WITH RESPONSE**

**TOWN OF MONTAGUE, MASSACHUSETTS  
CONFLICT OF INTEREST STATEMENT**

The applicant hereby certifies that:

1. The applicant has not given, offered, or agreed to give any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of contract for these services.
2. No Consultant to, or subcontractor for the applicant has given, offered, or agreed to any gift, contribution, or offer of employment to the applicant, or to any other person(s), corporation, or entity as an inducement for, or in connection with, the award of the consultant or subcontractor of a contract by the applicant.
3. That no person(s), corporation, or other entity, other than a bona-fide full-time employee of the applicant has been retained or hired to solicit for/or in any way assist the applicant in obtaining the contract for services upon an agreement or understanding that such person(s), corporation, or entity be paid a fee or other compensation contingent upon the award of the contract to the applicant.

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

Printed: \_\_\_\_\_

Date: \_\_\_\_\_

**MUST BE SIGNED AND RETURNED WITH RESPONSE**

**TOWN OF MONTAGUE, MASSACHUSETTS  
CERTIFICATE OF TAX COMPLIANCE**

Tax Certification

Pursuant to M.G.L. Chapter 62C, Sec. 49A, and M.G.L. Chapter 151A, Section 19A, the undersigned acting on behalf of the business, certifies under penalty of perjury that, to the best of the undersigned's knowledge and belief, the business is in compliance with all the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.\*

\_\_\_\_\_  
\*\* Signature of Individual

\_\_\_\_\_  
\*\*\* Individual's Social Security Number or  
Corporate Contractor Federal Identification

By: \_\_\_\_\_  
Corporate Officer

Date: \_\_\_\_\_

\* The provision in the Attestation of relating to child support applies only when the contractor is an individual.

\*\* Approval of a contract or other agreement will not be granted unless the applicant signs this certification clause.

\*\*\*Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct heir non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended. This request is made under the authority of M.G.L. Chapter 62C, Section 49A.

**MUST BE SIGNED AND RETURNED WITH RESPONSE**