Values and Guiding Principles — Ethics, Impartiality, Accountability, Professionalism, Service, Transparency
Travis County Better Builder® Program

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**Important Notice:** The contents of this Informational Packet have *not* yet been approved by the Travis County Purchasing Agent or the Travis County Commissioners Court. They are being provided for information and reference purposes only. In addition, the Commissioners Court has *not* yet approved or adopted the Travis County Better Builder® Program. The Contract Compliance Program intends to request such approval in April, 2018.
Travis County is pleased to roll out the Travis County Better Builder® Program. The Program has two main focuses: (1) monitoring contractors' compliance with their obligations; and (2) assisting contractors when issues arise. The Program goal is to make construction in Travis County safe for workers so they can build good quality projects.

Travis County Better Builder® IS:

- Focused on Payment of Correct Wages:
  - We make sure all workers are paid what they are supposed to be paid.
  - We make sure that a living wage is paid to everyone when a contractor agrees to pay a living wage minimum.
- Focused on Safety:
  - We make sure all workers receive OSHA-10 training so they are safe on the job and all Safety Managers receive OSHA-30 training so they can make sure all workers are safe on the job.
  - We make sure contractors comply with OSHA requirements to keep jobsites safe.
  - We make sure workers are well-trained in order to be safe on the job and to build good quality projects.
- Focused on Training & Education:
  - We make sure contractors make efforts to hire subcontractors who employ workers who have completed or are enrolled in a Department of Labor apprenticeship program.
- Focused on Contractor Responsibility:
  - Make sure contractors fulfill their contract obligations.

Travis County Better Builder® IS NOT:

- Designed to punish contractors who fall out of compliance; if monitors observe a non-compliance issue, Program staff will provide compliance assistance.
- Designed to embarrass a contractor who makes an honest mistake in classifying, training or paying workers.
- Set up to interfere with the progress of the work or to second-guess contractors' decisions about carrying out the work.

The Travis County Contract Compliance Program is here to help all contractors and subcontractors stay in compliance with all federal, state, and local laws. We are available to answer any questions and we look forward to working with you!
Travis County Better Builder® Program Policy

(a) The Contract Compliance Program has developed and administers a comprehensive construction contract compliance program based on Better Builder® standards. These standards pertain to wage rates and payment of wages; safety training and compliance with safety, environmental and legal statutes, regulations and codes; independent onsite monitoring; workforce training programs (apprenticeship training); and preference for a living wage minimum.

(b) The Travis County Better Builder® Program includes pre-screening inquiries, enhanced monitoring protocols and robust compliance assistance for the duration of the construction project. Ultimately, the program is designed to incentivize developers and construction contractors to not only adhere to contractual obligations and applicable legal (regulatory) requirements, but to go “above and beyond” what is legally or contractually required in furtherance of Better Builder® values and standards.

(c) Travis County believes that systematically applied and consistently administered and enforced Better Builder® protocols will result in improved construction contractor compliance with applicable legal requirements and contract terms; enhance the County’s commitment to extracting best value from its contracts; and strengthen worker protection standards on construction projects completed in Travis County.

[2] The Travis County Better Builder® Program will select public works projects, as well as construction projects carried out by third parties who are contractually bound to adhere to Better Builder® standards (collectively “Travis County Better Builder® Projects”) for Better Builder compliance monitoring and enforcement. At the discretion of CCP staff, Travis County Better Builder Projects will be:

(a) “Better Builder®-Certified” or
(b) “Better Builder®-Consistent”.

Designation as a Better Builder®-Certified or Better Builder®-Consistent project will depend on the dollar value of the project, project complexity, anticipated workforce volume and Contract Compliance Program capacity.

[3] All CCP Better Builder® monitors will receive Better Builder® Accreditation training from Workers Defense Project, the owner of the Better Builder® trademark and associated field

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1 The “Better Builder® Program” is a program launched by Workers Defense Project, a non-profit and community organization that advocates for better working conditions for low-wage workers. The Better Builder® Program seeks commitment from real estate developers, public institutions and agencies, and private companies to invest in good and safe working conditions for construction workers. Travis County is licensed by Workers Defense Project to use the federally-registered Better Builder® service mark solely in connection with the Travis County Better Builder® Program.
monitoring protocols, to ensure they are qualified to monitor and enforce Better Builder® standards and requirements on Travis County construction projects.

[4] (a) As part of the solicitation, evaluation and contract award process, Travis County-approved (Better Builder®-Accredited) monitors will conduct pre-screening inquiries into contractors’ and subcontractors’ past compliance with applicable federal, state and local laws, rules and regulations governing construction wage rates, safety training and safety standards, and other legally mandated worker protections.

(b) Pre-screening inquiries consist of a suite of certifications and associated documentation that must be completed and submitted: (i) by construction contractors and their subcontractors; and (ii) by developers of Public Improvement District, Economic Development and Ground Lease improvements and all members of their construction contracting chain.

[5] Prior to commencement of construction of a Travis County Better Builder® project, Better Builder®-Accredited monitors will attend the pre-construction meeting (in coordination with other County representatives) to answer questions, ensure that all stakeholders share a common understanding of Better Builder® standards, and align expectations regarding the protocols for onsite monitoring and compliance assistance.

[6] For the duration of the project, Better Builder®-Accredited monitors will conduct enhanced and transparent monitoring of Better Builder® sites. These protocols include periodic on-site inspections; workforce/labor interviews; and routine review and verification of documentation evidencing ongoing compliance with applicable federal, state and local wage and safety laws and with all Better Builder® Program standards. The Contract Compliance Program staff will, either independently or in conjunction with Workers Defense Project Better Builder® monitors, provide compliance assistance where needed or requested and institute corrective action plans to bring contractors and subcontractors back into compliance with these laws and standards.

[7] The CCP is responsible for educating the contracting and development community about the Better Builder® Program through “live” informational outreach and Q&A sessions, various communication media, and pre-bid/pre-construction briefings. The CCP will make Better Builder®-accredited monitors available to answer questions and provide compliance assistance during all County working hours (8:00 a.m.—5:00 p.m., Monday through Friday excepting official County holidays).
Travis County Better Builder Program Certification Process Map

Bid Issuance and Submission Activities

Contract Compliance Program (CCP)
- Compiles necessary Better Builder Program Documents
- Sends Documents to Buyer

Buyer
- Includes Better Builder Program Documents in Bid
- Loads Bid onto BidSync

Prime and Sub Contractors
Prime:
- Fills out Prime Certifications
- Sends Certifications to Subs to complete
- Receives Sub's Certifications
- Submits Certifications as part of Bid
  Sub(s) applicable:
  - Fills out Certifications
  - Sends Certifications to Prime for inclusion in Bid

Sub (as applicable)
- Fills out Certifications
- Sends Certifications to Prime for inclusion in Bid

County receives submitted electronic Bid (including Certifications)

Bid Evaluation (Certifications) and Award Activities

Buyer
- Disseminates Certifications to CCP for Evaluation

Contract Compliance Program (CCP)
- Determines if Bidder is "Responsive" and "Responsible"
- Notifies Buyer of Compliance to Incorporate in Award Recommendation

Prime and Sub Contractors
- Work with CCP to "Cure" deficiencies (3-Day Period) to be "Responsive" and "Responsible"
  Cure is Successful
  - Buyer notified of Compliance
  Cure is Not Successful
  - CCP recommends bidder disqualification and notifies Commissioners Court

Buyer
- Incorporates CCP findings (Compliance or Disqualification) into Recommendation of Award

Commissioners Court
- Court must decide to how to proceed based on compliance determination: Compliant or Disqualified
Travis County Better Builder® Program

NOTICE TO BIDDERS – BETTER BUILDER® PROGRAM PROJECT

In 2018, Travis County launched its Travis County Better Builder® Program. The Travis County Better Builder Program is a comprehensive construction contract compliance program based on Better Builder® standards. These standards pertain to wage rates and payment of wages; safety training and compliance with safety, environmental and legal statutes, regulations and codes; independent on-site monitoring; workforce training programs (apprenticeship training); and preference for a living wage minimum.

The Travis County Better Builder® Program includes pre-screening inquiries, enhanced monitoring protocols and robust compliance assistance for the duration of the construction project. Ultimately, the program is designed to incentivize developers and construction contractors to not only adhere to contractual obligations and applicable legal (regulatory) requirements, but to go “above and beyond” what is legally or contractually required in furtherance of Better Builder® values and standards.

This project has been selected as a “Travis County Better Builder® Project.” This designation means that all Better Builder® certifications, questionnaires, safety plans, OSHA logs and associated supporting documentation (the “Better Builder® Documents”) must be submitted to the Travis County Contract Compliance Program in order to be considered responsive and eligible for contract award. The Better Builder® Documents are listed below and may be found on the Travis County Contract Compliance Program webpage. [Link: TCPO Contract Compliance Program]

***IMPORTANT***

Bidders are advised to read the instructions in this Notice to Bidders carefully to ensure that they have a full understanding of all Better Builder® Documents. Bidders should instruct their subcontractors to do the same. The Better Builder® Documents are required bid documents. All bidders must submit the Better Builder® Documents with their bid. Bids that do not include all completed Certifications and associated required documentation will be considered non-responsive.

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1 The “Better Builder® Program” is a program launched by Workers Defense Project, a non-profit and community organization that advocates for better working conditions for low-wage workers. The Better Builder® Program seeks commitment from real estate developers, public institutions and agencies, and private companies to invest in good and safe working conditions for construction workers. Travis County is licensed by Workers Defense Project to use the federally-registered Better Builder® service mark solely in connection with the Travis County Better Builder® Program.
Travis County Better Builder® Program

Travis County Better Builder®-Accredited monitors will review these documents to verify that bidders and their subcontractors are responsible contractors and are in compliance with the Better Builder® standards and associated contractual requirements.

WE STRONGLY URGE BIDDERS (AND THEIR SUBCONTRACTORS) ON THIS PROJECT TO READ ALL BETTER BUILDER® DOCUMENTS TO ENSURE THEY UNDERSTAND THEIR CONTENTS AND ARE PREPARED TO SUBMIT ALL REQUIRED DOCUMENTATION WITHIN THE SUBMISSION DEADLINE.

Better Builder® Documents

The following documents must be completed by Prime Contractors:

1. Travis County Wage Theft Certification
2. Travis County Employee Classification Certification
3. Travis County OSHA Training Certification
4. Travis Count Safety Record Questionnaire & Certification (Prime Contractors)
5. Travis Count Safety Record Questionnaire & Certification (Subcontractors)
6. Travis County OSHA 300/300A Certification (Prime Contractor)
7. Travis County OSHA 300/300A Certification (Subcontractor)
8. Travis County Apprentice Designation Certification
9. Travis County Workforce Training Program Certification
   a. Subcontractor Workforce Training Program Contact List
   b. Travis County Approved Workforce Training Programs
10. Travis County Living Wage Certification

The following documents must be completed by Subcontractors:

1. Travis County Wage Theft Certification
2. Travis County Employee Classification Certification
3. Travis County OSHA Training Certification
4. Travis Count Safety Record Questionnaire & Certification (Prime Contractors)
5. Travis Count Safety Record Questionnaire & Certification (Subcontractors)
6. Travis County OSHA 300/300A Certification (Prime Contractor)
7. Travis County OSHA 300/300A Certification (Subcontractor)
8. Travis County Apprentice Designation Certification

All of the above-listed Better Builder® Documents may be found in the “Better Builder Documents” folder on the following Travis County Purchasing Office webpage:
https://www.traviscountytx.gov/purchasing/contract-compliance-program

Bidders may direct any questions to the Contract Compliance Program staff:
Travis County Better Builder® Program

Tenley Aldredge, M.I.A., J.D.
Director
Tenley.Aldredge@traviscountytx.gov

Andrew Atzt, J.D.
Contract Compliance Officer
Andrew.Artzt@traviscountytx.gov

Jacqueline Childress, J.D.
Contract Compliance Officer
Jacqueline.Childress@traviscountytx.gov
TCBBP Prime Contractor Certifications

The Prime Contractor must complete the following certifications and submit them with Prime Contractor’s bid or proposal on any Travis County public works project designated as a Better Builder® Project:

1. Living Wage Certification
2. Wage Theft Certification
3. Employee Classification Certification
4. Apprenticeship Designation Certification
5. Workforce Training Program Certification
6. OSHA Training Certification
7. Safety Record Questionnaire

The Prime Contractor must also provide:

1. A site-specific OSHA-compliant Health and Safety Plan
2. All OSHA 300 and 300A Logs and Summaries for the previous three years for all of their jobsites

If the Prime Contractor’s business entity has not been in existence for 3 years, Prime Contractor must submit the OSHA 300/300A Certification.
Travis County Living Wage Certification

Required for Prime Contractor

Project Title:
Name:
Title:
Business Name:
Business Address:

County of Bidder: Travis

STATE OF TEXAS

I, __________________________, certify that:

1. I am the _______________________ (position) of _______________________ (“Contracting Entity”) and have the authority to execute this Certification on behalf of Contracting Entity.

2. I understand that, while Travis County cannot currently require a living wage of $13.00 per hour for all construction workers as a minimum standard in its construction projects due to state law, the County is committed to encouraging Contracting Entity to include this requirement in its contracts.

3. I understand that a living wage is defined as the minimum income necessary for workers to meet their basic needs, and that a living wage should be substantial enough to ensure that no more than 30% of it is spent on housing.

4. I understand that the goal of a living wage is to allow employees to earn enough income for a satisfactory standard of living.

5. I understand that I can obtain additional information about the benefits of a living wage by visiting the Travis County Purchasing Office Contract Compliance Program webpage, found here: https://www.traviscountytx.gov/purchasing/contract-compliance-program.

6. Contracting Entity:

☐ Will require, at a minimum, a living wage of $13.00 per hour for all individuals performing construction work on the project, including but not limited to demolition, remodel, or renovation (NOTE: If you check this box, please sign below to be considered responsive to the bid/proposal).
Will NOT require, at a minimum, a living wage of $13.00 for all individuals performing construction work on the project, including but not limited to demolition, remodel, or renovation. (Please sign below to be considered responsive to the bid/proposal).

7. The information provided in this Living Wage Certification is true and correct.

Signature ____________________________ Date ________________
Travis County Wage Theft Certification

Required for Prime Contractor and All Subcontractors

Project Title:
Name:
Title:
Business Name:
County of Contracting Entity:

STATE OF TEXAS

I, ________________________________, certify that:

1. I am the __________________ (position) of __________________ (“Contracting Entity”) and have the authority to execute this Certification on behalf of the Contracting Entity and any person or entity with an ownership interest of more than 25% in the Contracting Entity (“Ownership Entity”).

2. Neither Contracting Entity, nor Ownership Entity, nor any sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Contracting Entity or Ownership Entity has been an owner, manager, officer, and/or director (“Secondary Entity”) has twice or more in the previous five (5) years:
   • Been adjudicated guilty or liable in administrative or judicial proceedings of committing an aggravated, repeated, or willful violation of applicable local, state, or federal wage laws, including the Davis-Bacon Act, Nation Labor Relations Act, Texas Labor Code Chapter 61, Chapter 162, Texas Property Code or Texas Government Code Chapter 2258; or
   • Entered a plea of nolo contendere for any wage-related violations in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the entity was subsequently discharged from community supervision; or
   • Entered into a settlement agreement to resolve unpaid wages under any applicable federal, state, or local law or ordinance governing the payment of wages where the terms of settlement were not satisfied within the allotted time.

3. I acknowledge and understand that the Contract Compliance Program will recommend that Contracting Entity be disqualified from participating in the project if Contracting Entity is unable to certify that the facts asserted in Paragraph 2 of this Wage Theft Certification are true.
4. I have attached to this Wage Theft Certification evidence that any settlement agreement to resolve unpaid wages in the last five (5) years was satisfied. If Contracting Entity has entered into seven (7) or more settlement agreements within the preceding five (5) year period, I have also included a detailed statement, which I certify is truthful and accurate, explaining the high volume of such agreements and providing the date and nature of each agreement and the associated construction project.

5. The information provided in this Wage Theft Certification is true, correct and accurately reflects all alleged wage theft violations involving Contracting Entity, Ownership Entity or Secondary Entity.

_________________________________________  __________
Signature                                      Date
Travis County Employee Classification Certification

Required for Prime Contractor and All Subcontractors

Project Title:
Name:
Title:
Business Name:
County of Contracting Entity:

STATE OF TEXAS

I,__________________________________________________, certify that:

1. I am the_______________________(position) of_______________________(“Contracting Entity”) and have the authority to execute this Employee Classification Certification on behalf of Contracting Entity.

2. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity are properly classified as (i) an employee or (ii) an independent contractor under all applicable state and federal laws, including all laws concerning workers compensation insurance coverage, unemployment taxes, Social Security taxes and income taxes.

3. The information provided in this Employee Classification Certification is true, correct and accurately reflects all employee classification information pertaining to workers performing work on the project on behalf of Contracting Entity.

_____________________________________________  ________________
Signature                                    Date
Travis County Apprentice Designation Certification

Required for Prime Contractor and All Subcontractors

Name:
Title:
Business Name:
Business Address:

County of Contracting Entity: Travis

STATE OF TEXAS

I, ______________________________, certify that:

1. I am the __________________________(position) of __________________________ (“Contracting Entity”) and have the authority to execute this Apprentice Designation Certification on behalf of Contracting Entity.

2. All apprentices employed on this construction project meet the following definition in accordance with 29 C.F.R. §5.2(n)(1):

“(1) Apprentice means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice”

3. The information provided in this Apprentice Designation Certification is true and correct.

________________________________________  ________________________
Signature                                      Date
Travis County Workforce Training Program Certification

Required for Prime Contractor

DATE:

STATE OF TEXAS

TRAVIS COUNTY

I, ____________________________, certify that:

1. I am the ______________________ (position) of ______________________ ("Contracting Entity") and have the authority to execute this Certification on behalf of Contracting Entity.

2. I understand and acknowledge that Contracting Entity must demonstrate efforts to recruit 30% of its workforce (students and graduates) from construction workforce training programs approved by Travis County ("Workforce Training Programs").

3. I understand and acknowledge that Workforce Training Programs are apprenticeship programs registered with the Department of Labor (DOL), and credentials from subcontractors evidencing recruitment of students or graduates from Workforce Training Programs will be accepted by the County, regardless of location or organization.

4. I have provided written notice to three (3) or more subcontractors who hire students or graduates from Workforce Training Programs for each subcontracting opportunity related to any portion of the work, including but not limited to construction, demolition, remodel, or renovation work. I understand that the list of subcontractors provided by Travis County is for reference only, and that any subcontractors who recruit students and graduates from DOL-registered apprenticeship programs, regardless of location or affiliation, will count toward these efforts.

5. I have provided these notices, which include solicitation information, reply deadline, and Contracting Entity contact information, at least seven (7) working days prior to submitting a solicitation response.

6. I have negotiated in good faith with firms who recruit students or graduates from Workforce Training Programs that respond to the notice.
7. I understand and acknowledge that Travis County will consider my bid or proposal non-responsive if I fail to demonstrate the workforce recruitment efforts described in this Workforce Training Program Certification.

8. The information provided in this Workforce Training Program Certification is true and correct.

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Travis County OSHA Training Certification

Required for Prime Contractor and All Subcontractors

Project Title: 
Name:  
Title:  
Business Name:  
County of Contracting Entity:  

STATE OF TEXAS

I, ________________________________________________________, certify that:

4. I am the __________________________(position) of __________________________ (“Contracting Entity”) and have the authority to execute this OSHA Training Certification on behalf of Contracting Entity.

5. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity have received OSHA 10-hour safety training and all project safety managers or supervisors have received OSHA 30-hour safety training.

6. The information provided in this OSHA Training Certification is true, correct and accurately reflects all OSHA training received by workers and safety managers or supervisors performing work on the project on behalf of Contracting Entity.

___________________________________________   __________________________
Signature                                      Date
The Travis County Commissioners Court desires to avail itself of the benefits of Sections 262.0275 and 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, and consider the safety records of potential contractors prior to awarding County contracts. Pursuant to Sections 262.0275 and 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, Travis County has adopted the following written definition and criteria for accurately determining the safety record of a bidder/proposer prior to awarding County contracts.

The definitions and criteria for determining the safety record of a bidder/proposer for this consideration are set out in paragraphs (1) through (9) below:

(1) "Contracting Entity" means a firm, corporation, partnership, or institution represented by the bidder/proposer.

(2) "Ownership Entity" means any person or entity with an ownership interest of more than 25% in Contracting Entity.

(3) "Secondary Entity" means a sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Contracting Entity or Ownership Entity, has been an owner, manager, officer, and/or director.

(4) If Contracting Entity does not submit a company health and safety plan signed by a representative of Contracting Entity, Contracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Contracting Entity be disqualified from the project.

(5) If Contracting Entity does not submit its OSHA 300 Log and OSHA 300A Summary for each of the previous three (3) years, Contracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Contracting Entity be disqualified from the project. A Contracting Entity that has not been legally incorporated for at least three (3) years must sign an OSHA 300/300A Certification (Appendix 4-A) affirming that Contracting Entity cannot meet the three (3) year submission requirement.

(6) If Contracting Entity, in response to the questions on this Questionnaire, reveals more than two (2) cases in which final orders have been entered by the Occupational Safety and Health Review Commission (OSHRC) against Contracting Entity, Ownership Entity or Secondary Entity for willful or repeat violations of OSHA regulations within the past five (5) years, the Contract Compliance Program will recommend that Contracting Entity be disqualified from the project.

(7) If Contracting Entity, Ownership Entity, or Secondary Entity is currently on the Occupational Safety and Health Administration (OSHA) Severe Violator Enforcement
Program (SVEP) Log, the Contract Compliance Program will recommend that Contracting Entity be disqualified from the project.

(8) If Contracting Entity, in response to the questions on this Questionnaire, reveals more than one (1) case in which Contracting Entity, Ownership Entity or Secondary Entity has received a citation from a local, state or federal environmental protection agency for violations within the past five (5) years, the Contract Compliance Program may recommend that Contracting Entity be disqualified from the project.

Environmental protection agencies include, but are not limited to, the U.S. Army Corps of Engineers (USACOE), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Health (DSHS), the Texas Parks and Wildlife Department (TPWD), the Structural Pest Control Board (SPCB), agencies of local governments responsible for enforcing environmental protection laws or regulations, and similar regulatory agencies of other states of the United States. Citations include notice of violation, notice 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, judicial final judgments. Notice of Violations and Notice of Enforcement received from TCEQ shall include those classified as major violations and moderate violations under TCEQ's regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

(9) If Contracting Entity, in response to the questions in this Questionnaire, reveals that Contracting Entity, Ownership Entity or Secondary Entity has been convicted of a criminal offense within the past ten (10) years which resulted in serious bodily harm or death, the Contract Compliance Program may recommend that Contracting Entity be disqualified from the project.

In order to obtain proper information from bidders and proposers so that Travis County may consider the safety records of potential Contracting Entities prior to awarding County contracts, Travis County requires that Contracting Entity:
(a) submit a current health and safety plan signed by a representative of Contracting Entity;
(b) submit the OSHA 300 Logs and OSHA 300A Summaries for Contracting Entity for the previous three (3) years; and
(c) answer the three (3) questions below and submit the responses with their bids/proposals.

QUESTION ONE

Has Contracting Entity, Ownership Entity or Secondary Entity, within the previous five (5) years, received citations for OSHA violations?

YES__________ NO__________

If Contracting Entity has indicated YES for question number one above, Contracting Entity must provide to Travis County, with its bid/proposal submission, the following information with respect to each such citation:
Date of offense, location of establishment inspected, category of offense, final disposition of offense, if any, and penalty assessed. The Contract Compliance Program reserves the right to request the submission of proof of abatement of any hazard cited, and to recommend that Contracting Entity be disqualified from the project due to safety concerns if the hazard has not been abated in accordance with the OSHA-imposed deadline.

**QUESTION TWO**

Has Contracting Entity, Ownership Entity or Secondary Entity received citations for violations of environmental protection laws or regulations within the past five years? Citations include notice of violation, notice 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, judicial final judgments. Notice of Violations and Notice of Enforcement received from TCEQ include those classified as major violations and moderate violations under TCEQ’s regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

_____ YES _______  _____ NO _______

If Contracting Entity has indicated YES for question number two above, Contracting Entity must provide to Travis County, with its bid/proposal submission, the following information with respect to each such conviction:

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

**QUESTION THREE**

Has Contracting Entity, Ownership Entity or Secondary Entity ever been convicted, within the past ten (10) years, of a criminal offense which resulted in serious bodily injury or death?

_____ YES _________  _____ NO ________

If Contracting Entity has indicated YES for question number three above, Contracting Entity must provide to Travis County, with its bid/proposal submission, the following information with respect to each such conviction:

Date of offense, location where offense occurred, type of offense, final disposition of offense, in any, and penalty assessed.

On all Travis County projects it is the sole responsibility and obligation of Contracting Entity to ensure that all subcontractors performing any part of the work on the project disclose to Contracting Entity their safety records. Contracting Entity may fulfill this obligation by:

(a) distributing the “Safety Record Questionnaire for Subcontractors” form included in this solicitation as Part B of this form to all subcontractors; and

(b) submitting to County the completed “Safety Record Questionnaire for Subcontractors” for all subcontractors together with all required documents described therein.

All safety records are subject to County’s review upon request.
CERTIFICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, ____________________________, certify that:

1. I am the ________________ (position) of ____________________ ("Contracting Entity") and have the authority to execute this Certification on behalf of Contracting Entity.

2. The information provided in this Safety Record Questionnaire is true and correct.

3. I have made no willful misrepresentations nor have I withheld information in my statements and answers to questions in this Safety Record Questionnaire.

4. I am aware that the information I have provided in this Safety Record Questionnaire will be investigated, with my full permission, and that any misrepresentations or omissions may cause my bid/proposal to be rejected.

____________________________________
Signature

____________________________________
Title
Project Title: 
Name: 
Title: 
Date: 
Business Name: 
County of Contracting Entity: 

STATE OF TEXAS

I,________________________, certify that:

1. I am the________________________(position) of________________________(“Contracting Entity”) and have the authority to execute this statement on behalf of Contracting Entity.

2. Contracting Entity is exempt from submitting OSHA 300 Logs and OSHA 300a Summaries for the previous three (3) years because Contracting Entity has been legally incorporated for thirty-six (36) months or less. Contracting Entity was legally incorporated on________________________.

3. The information provided in this OSHA 300/300A Certification is true and correct.

________________________
Signature
TCBBP Subcontractor Certifications

The Prime Contractor must cause its selected subcontractors to complete the following certifications and submit them with their bids on any Travis County public works project designated as a Better Builder® Project:

1. Wage Theft Certification
2. Employee Classification Certification
3. Apprenticeship Designation Certification
4. OSHA Training Certification
5. Safety Record Questionnaire

The Prime Contractor must also cause its selected subcontractors to provide:

1. A site-specific OSHA-compliant Health and Safety Plan
2. All OSHA 300 and 300A Logs and Summaries for the previous three years for all of their jobsites

If the subcontracting business entity has not been in existence for 3 years, subcontractor must submit the OSHA 300/300A Certification.
Travis County Wage Theft Certification

Required for Prime Contractor and All Subcontractors

Project Title:
Name:
Title:
Business Name:
County of Contracting Entity:

STATE OF TEXAS

I, ____________________________, certify that:

1. I am the ___________________________(position) of ___________________________("Contracting Entity") and have the authority to execute this Certification on behalf of the Contracting Entity and any person or entity with an ownership interest of more than 25% in the Contracting Entity ("Ownership Entity").

2. Neither Contracting Entity, nor Ownership Entity, nor any sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Contracting Entity or Ownership Entity has been an owner, manager, officer, and/or director ("Secondary Entity") has twice or more in the previous five (5) years:

   • Been adjudicated guilty or liable in administrative or judicial proceedings of committing an aggravated, repeated, or willful violation of applicable local, state, or federal wage laws, including the Davis-Bacon Act, Nation Labor Relations Act, Texas Labor Code Chapter 61, Chapter 162, Texas Property Code or Texas Government Code Chapter 2258; or

   • Entered a plea of nolo contendere for any wage-related violations in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the entity was subsequently discharged from community supervision; or

   • Entered into a settlement agreement to resolve unpaid wages under any applicable federal, state, or local law or ordinance governing the payment of wages where the terms of settlement were not satisfied within the allotted time.

3. I acknowledge and understand that the Contract Compliance Program will recommend that Contracting Entity be disqualified from participating in the project if Contracting Entity is unable to certify that the facts asserted in Paragraph 2 of this Wage Theft Certification are true.
4. I have attached to this Wage Theft Certification evidence that any settlement agreement to resolve unpaid wages in the last five (5) years was satisfied. If Contracting Entity has entered into seven (7) or more settlement agreements within the preceding five (5) year period, I have also included a detailed statement, which I certify is truthful and accurate, explaining the high volume of such agreements and providing the date and nature of each agreement and the associated construction project.

5. The information provided in this Wage Theft Certification is true, correct and accurately reflects all alleged wage theft violations involving Contracting Entity, Ownership Entity or Secondary Entity.

__________________________  ________________________
Signature                                      Date
Travis County Employee Classification Certification

Required for Prime Contractor and All Subcontractors

Project Title:
Name:
Title:
Business Name:
County of Contracting Entity:

STATE OF TEXAS

I,____________________________________________, certify that:

1. I am the ______________________ (position) of ______________________ ("Contracting Entity") and have the authority to execute this Employee Classification Certification on behalf of Contracting Entity.

2. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity are properly classified as (i) an employee or (ii) an independent contractor under all applicable state and federal laws, including all laws concerning workers compensation insurance coverage, unemployment taxes, Social Security taxes and income taxes.

3. The information provided in this Employee Classification Certification is true, correct and accurately reflects all employee classification information pertaining to workers performing work on the project on behalf of Contracting Entity.

__________________________________________     ______________________
Signature                                      Date
Travis County Apprentice Designation Certification

Required for Prime Contractor and All Subcontractors

Name:
Title:
Business Name:
Business Address:

County of Contracting Entity: Travis

STATE OF TEXAS

I, ______________________________, certify that:

1. I am the __________________________ (position) of __________________________ ("Contracting Entity") and have the authority to execute this Apprentice Designation Certification on behalf of Contracting Entity.

2. All apprentices employed on this construction project meet the following definition in accordance with 29 C.F.R. §5.2(n)(1):

   "(1)Apprentice means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice"

3. The information provided in this Apprentice Designation Certification is true and correct.

______________________________    ______________________
Signature                      Date
Travis County OSHA Training Certification

Required for Prime Contractor and All Subcontractors

- Project Title:
- Name:
- Title:
- Business Name:
- County of Contracting Entity:

STATE OF TEXAS

I, __________________________________________, certify that:

4. I am the ______________________ (position) of ______________________ (“Contracting Entity”) and have the authority to execute this OSHA Training Certification on behalf of Contracting Entity.

5. To the best of my knowledge, information and belief, all workers performing work on the project on behalf of Contracting Entity have received OSHA 10-hour safety training and all project safety managers or supervisors have received OSHA 30-hour safety training.

6. The information provided in this OSHA Training Certification is true, correct and accurately reflects all OSHA training received by workers and safety managers or supervisors performing work on the project on behalf of Contracting Entity.

________________________________________     ____________
Signature                                      Date
Safety Record Questionnaire for Subcontractors

(Part B must be submitted by all subcontractors to the prime contractor with their bids. Prime contractor is required to submit this Part B for all subcontractors with its bid/proposal. However, if prime contractor is the successful bidder/proposer and awards any subcontracts after submitting its bid/proposal to the County, prime contractor must submit this Part B for those subcontractors within three (3) business days of contract award.)

The Travis County Commissioners Court desires to avail itself of the benefits of Section 262.0275 and Section 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, and consider the safety records of potential subcontractors prior to awarding County contracts. Pursuant to Section 262.0275 and 271.0275 of the Local Government Code and Section 2269.056 of the Texas Government Code, Travis County has adopted the following written definition and criteria for accurately determining the safety record of a subcontractor prior to awarding County contracts.

The definitions and criteria for determining the safety record of a subcontractor for this consideration are set out in paragraphs (1) through (9) below:

(1) “Subcontracting Entity” means a firm, corporation, partnership, or institution represented by the subcontractor.

(2) “Ownership Entity” means any person or entity with an ownership interest of more than 25% in Subcontracting Entity.

(3) “Secondary Entity” means a sole proprietorship, limited partnership, limited liability partnership/corporation, and/or any affiliated business or subsidiary of which Subcontracting Entity or Ownership Entity, has been an owner, manager, officer, and/or director.

(4) If Subcontracting Entity does not submit a company health and safety plan signed by a representative of Subcontracting Entity, Subcontracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

(5) If Subcontracting Entity does not submit its OSHA 300 Log and OSHA 300a Summary for each of the previous three (3) years, Subcontracting Entity will be considered non-responsive and the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project. A Subcontracting Entity that has not been legally incorporated for at least three (3) years must sign an OSHA 300/300A Certification (Appendix 4-B) affirming Subcontracting Entity cannot meet the three (3) year submission requirement.

(6) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals more than two (2) cases in which final orders have been entered by the Occupational Safety and Health Review Commission (OSHRC) against Subcontracting Entity, Ownership
Entity or Secondary Entity for willful or repeat violations of OSHA regulations within the past five (5) years, the Contract Compliance Program will recommend that Subcontracting Entity be disqualified from the project.

(7) If Subcontracting Entity, Ownership Entity, or Secondary Entity is currently on the Occupational Safety and Health Administration (OSHA) Severe Violator Enforcement Program (SVEP) Log, the Contract Compliance Program will recommend that Subcontracting Entity be disqualified from the project.

(8) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals more than one (1) case in which Subcontracting Entity, Ownership Entity or Secondary Entity has received a citation from a local, state or federal environmental protection agency for violations within the past five (5) years, the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

Environmental protection agencies include, but are not limited to, the U.S. Army Corps of Engineers (USACOE), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Health (DSHS), the Texas Parks and Wildlife Department (TPWD), the Structural Pest Control Board (SPCB), agencies of local governments responsible for enforcing environmental protection laws or regulations, and similar regulatory agencies of other states of the United States. Citations include notice of violation, notice 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, judicial final judgments. Notice of Violations and Notice of Enforcement received from TCEQ shall include those classified as major violations and moderate violations under TCEQ’s regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

(9) If Subcontracting Entity, in response to the questions on this Questionnaire, reveals that Subcontracting Entity, Ownership Entity or Secondary Entity has been convicted of a criminal offense within the past ten (10) years which resulted in serious bodily harm or death, the Contract Compliance Program may recommend that Subcontracting Entity be disqualified from the project.

In order to obtain proper information from subcontractors so that Travis County may consider the safety records of potential Subcontracting Entities prior to awarding County contracts, Travis County requires that Subcontracting Entity:

(a) submit a current health and safety plan signed by a representative of Subcontracting Entity;
(b) submit the OSHA 300 Logs and OSHA 300A Summaries for Subcontracting Entity for the previous three (3) years; and
(c) answer the three (3) questions below.

Subcontracting Entity must submit the plan, logs and summaries with Subcontracting Entity’s bid to the prime contractor or a higher-tier subcontractor. Prime contractor must submit these documents to the County with its bid/proposal. However, if prime contractor is the successful bidder/proposer and awards any subcontracts after submitting its bid/proposal to the County, prime contractor must submit these documents within three (3) business days of contract award.
QUESTION ONE
Has the Subcontracting Entity, Ownership Entity or Secondary Entity, within the previous five (5) years, received citations for OSHA violations?

____ YES ____________  ____ NO ____________

If Subcontracting Entity has indicated YES for question number one above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such citation:

Date of offense, location of establishment inspected, category of offense, final disposition of offense, if any, and penalty assessed. The Contract Compliance Program reserves the right to request the submission of proof of abatement of any hazard cited, and to recommend that Subcontracting Entity be disqualified from the project due to safety concerns if the hazard has not been abated in accordance with the OSHA-imposed deadline.

QUESTION TWO
Has Subcontracting Entity, Ownership Entity or Secondary Entity received citations for violations of environmental protection laws or regulations within the past five years? Citations include notice of violation, notice 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, final judgments. Notice of Violations and Notice of Enforcement received from TCEQ include those classified as major violations and moderate violations under TCEQ's regulations for documentation of Compliance History, 30TAC, Chapter 60.2 (c) (1) and (2).

____ YES ____________  ____ NO ____________

If Subcontracting Entity has indicated YES for question number two above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such conviction:

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

QUESTION THREE
Has Subcontracting Entity, Ownership Entity or Secondary Entity ever been convicted, within the past ten (10) years, of a criminal offense which resulted in serious bodily injury or death?

____ YES ____________  ____ NO ____________

If Subcontracting Entity has indicated YES for question number three above, Subcontracting Entity must provide, with its bid submission to the prime contractor or a higher-tier subcontractor, the following information with respect to each such conviction:

Date of offense, location where offense occurred, type of offense, final disposition of offense, in any, and penalty assessed.

It is the sole responsibility and obligation of Subcontracting Entity to ensure that its sub-subcontractors performing any part of the work on the project disclose to Subcontracting Entity their safety records, and
to submit those records to the prime contractor. Subcontracting Entity may fulfill this obligation by distributing this “Safety Record Questionnaire for Subcontractors” form to all its sub-subcontractors and verifying to the prime contractor that the forms have been completed and returned to the prime contractor. All safety records are to be submitted by the prime contractor to Travis County as instructed on the first page of this Safety Record Questionnaire, and all such records are subject to County’s review upon request.

CERTIFICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, ____________________________, certify that:

1. I am the ________________ (position) of ____________________ (“Subcontracting Entity”) and have the authority to execute this Certification on behalf of Subcontracting Entity and Ownership Entity.

2. The information provided in this Safety Record Questionnaire is true and correct.

3. I have made no willful misrepresentations nor have I withheld information in my statements and answers to questions in this Safety Record Questionnaire.

4. I am aware that the information I have provided in this Safety Record Questionnaire will be investigated, with my full permission, and that any misrepresentations or omissions may cause my bid to be rejected.

______________________________
Signature

______________________________
Title
Travis County OSHA 300/300A Certification
(Subcontractor)

Project Title:
Name:
Title:
Date:
Business Name:
County of Subcontracting Entity:

STATE OF TEXAS

I, ____________________________, certify that:

1. I am the ________________ (position) of _____________________ ("Subcontracting Entity")
   and have the authority to execute this statement on behalf of Subcontracting Entity.

2. Subcontracting Entity is exempt from submitting OSHA 300 Logs and OSHA 300a Summaries for
   the previous three (3) years because Subcontracting Entity has been legally incorporated for
   thirty-six (36) months or less. Subcontracting Entity was legally incorporated on
   ________________/__________.

3. The information provided in this OSHA 300/300A Certification is true and correct.

__________________________________________________
Signature
## Public Works Projects Designated as Better Builder® Projects (FY 2018 – FY 2020)

<table>
<thead>
<tr>
<th>Start Date (FY)</th>
<th>Better Builder® Consistent Projects Description</th>
<th>Start Date (FY)</th>
<th>Better Builder® Certified Projects Description</th>
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<tr>
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<td>2018</td>
<td>Federal Courthouse Renovation</td>
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<td>Tax Office Addition</td>
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<td>Northeast Metro Soccer Field</td>
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<tr>
<td>2018</td>
<td>Evidence Warehouse</td>
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<td>2018</td>
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<td>Grand Avenue Parkway</td>
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<td>Gregg Ln at Wilbarger Ck</td>
<td>2020</td>
<td>Harold Green Extension</td>
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<td>Springdale Road Sidewalk</td>
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<tr>
<td>2020</td>
<td>Circle Drive/Thomas Springs</td>
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</tbody>
</table>

**Note:** As stated in the body of the Implementation Plan, CCP staffing levels directly correlate to the number of County projects that may be targeted for inclusion in the TCBBP. *The CCP will be requesting additional FTEs in FY19 precisely to address this capacity constraint.*

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1 Better Builder® Consistent Projects will be monitored internally by accredited CCP staff only.

2 Better Builder® Certified Projects will require Workers Defense Project accredited staff monitoring to augment CCP staff.