

CITY OF SOUTH BEND, INDIANA
CONTRACTOR'S QUOTE FOR PUBLIC WORK



Project Name: Studebaker National Museum
HVAC and Controls Upgrade Project
Project No. 125-079
Quotes Due June 23, 2026 by 9:00 am via email to bpwbids@southbendin.gov

(Must be completed for all quotes. Please type or print)

Date: 06/23/2026 Firm: EDWARD J. WHITE, INC.
Address: 1011 S. MICHIGAN ST.
City/State/Zip: SOUTH BEND, IN 46601 Telephone Number: (574) 289-6351
Email Address: jbuher@ejwhiteinc.net

Agent of Bidder (if Applicable): _____
Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of:

STUDEBAKER MUSEUM HVAC EQUIPMENT REPLACEMENT ONLY

the City of South Bend, Indiana, in accordance with plans and specifications prepared by:
The City of South Bend, Department of Public Works

and dated MAY 28, 2026 for the sum of (enter the Total Quote as shown on the Proposal)

ONE HUNDRED TWENTY THOUSAND EIGHTY-THREE & ⁰⁰/₁₀₀ (\$ 120,083)
(Enter Sum of Total Quote plus Alternates shown on Proposal) (Numerical)

***SEE PAGE 19 OF BID FORM & QUALIFICATION LETTER.**

If alternative quotes apply, the undersigned submits a proposal for each in accordance with the notice. Any addendums attached will be specifically referenced at the applicable page.

If additional units of material included in the contract are needed, the cost of units must be the same as that shown in the original contract if accepted by the City of South Bend. If the quote is to be awarded on a unit basis, the itemization of the units shall be shown on a separate attachment.

By _____ (Signature)
JEFFREY M. BUCHER, JR.
(Printed Name of Person Signing)

ACCEPTANCE

The above quote is accepted this _____ day of _____ 20____
Subject to the following conditions: _____

BOARD OF PUBLIC WORKS

President

Members



QUOTE/PROPOSAL CITY OF SOUTH BEND

Studebaker National Museum
Project Name HVAC and Controls Upgrade Project
Project No. 125-079
June 23, 2026 by 9:00 am
Quotes Due via email to bpwbids@southbendin.gov

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	HVAC Upgrades	1	LS	\$120,083 ⁻	\$120,083 ⁻
2	Controls Upgrades	1	LS	No Bid	\$ No Bid
3	Alternate 1	1	LS	No Bid	\$ No Bid
Total Amount of Quote					\$120,083⁻

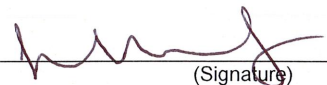
*SEE ATTACHED QUALIFICATION LETTER ON NEXT PAGE.

Firm: Edward J. White, Inc.

Address: 1011 S. MICHIGAN ST.

City/State/Zip: SOUTH BEND, IN 46601 Telephone Number: (574) 289-6351

Fax Number: (574) 289-3755

By 
(Signature)

JEFFREY M. BUCHER, JR.
(Printed Name of Person Signing)

When the prospective Contractor is unable to certify to any of the statements below, it shall attach an explanation to this Affidavit.

**CONTRACTOR'S NON-COLLUSION AND NON-DEBARMENT AFFIDAVIT,
CERTIFICATION REGARDING INVESTMENT WITH IRAN, EMPLOYMENT ELIGIBILITY
VERIFICATION, NON-DISCRIMINATION COMMITMENT AND CERTIFICATION OF USE
OF UNITED STATES STEEL PRODUCTS OR FOUNDRY PRODUCTS**

(Must be completed for all quotes and bids. Please type or print)

STATE OF Indiana)
) SS:
St. Joseph COUNTY)

The undersigned Contractor, being duly sworn upon his/her/its oath, affirms under the penalties of perjury that:

1. Contractor has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding. Contractor further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale; and

2. Contractor certifies by submission of this proposal that neither contractor nor any of its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency; and

3. Contractor has not, nor has any successor to, nor an affiliate of, Contractor, engaged in investment activities in Iran.

a. For purposes of this Certification, "Iran" means the government of Iran and any agency or instrumentality of Iran, or as otherwise defined at Ind. Code § 5-22-16.5-5, as amended from time-to-time.

b. As provided by Ind. Code § 5-22-16.5-8, as amended from time-to-time, a Contractor is engaged in investment activities in Iran if either:

i. Contractor, its successor or its affiliate, provides goods or services of twenty million dollars (\$20,000,000) or more in value in the energy sector of Iran; or

ii. Contractor, its successor or its affiliate, is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person for forty-five (45) days or more, if that person will (i) use the credit to provides goods and services in the energy sector in Iran; and (ii) at the time the financial institution extends credit, is a person identified on list published by the Indiana Department of Administration.

4. Contractor does not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the Contractor subsequently learns is an unauthorized alien. Contractor agrees that he/she/it shall enroll in and verify the work eligibility status of all of Contractor's newly hired employees through the E-Verify Program as defined by I.C. 22-5-1.7-3. Contractor's documentation of enrollment and participation in the E-Verify Program is included and attached as part of this bid/quote; and

5. Contractor shall require his/her/its subcontractors performing work under this public contract to certify that the subcontractors do not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the subcontractor subsequently learns is an unauthorized alien, and that the subcontractor has enrolled in and is participating in the E-Verify Program. The Contractor agrees to maintain this certification throughout the term of the contract with the City of South Bend, and understands that the City may terminate the contract for default if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

6. Persons, firms, partnerships, corporations, associations, or joint venturers awarded a contract by the City of South Bend through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of contract or employment, or any matter directly or indirectly related to contracting or employment because of race, sex, religion, color, national origin, ancestry, gender expression, gender identity, sexual orientation, or due to age or disability that does not affect that person's ability to perform the work.

In awarding contracts for the purchase of work, labor, services, supplies, equipment, materials, or any combination of the foregoing including, but not limited to, public works contracts awarded under public bidding laws or other contracts in which public bids are not required by law, the City, its agencies, boards, or commissions will consider the Contractor's good faith efforts to obtain participation by those subcontractors certified by the State of Indiana as a Minority Business ("MBE") or as a Women's Business Enterprise ("WBE") as a factor in determining the lowest, responsible, responsive bidder.

Contractors seeking the award of a City contract cannot be required to award a subcontract to an MWBE; however, they may not unlawfully discriminate against said MBE/WBE. On goal-eligible contracts, Contractors are required to either meet both MBE and WBE utilization goals or demonstrate that the Contractor has made good faith efforts to obtain participation from MBE and WBE subcontractors. A finding of noncompliance or a discriminatory practice shall prohibit that Contractor from being awarded a City contract for a period of one (1) year from the date of such determination, and such determination may also be grounds for terminating the contact to which the discriminatory practice or noncompliance pertains.

7. The undersigned Contractor agrees that the following nondiscrimination commitment shall be made a part of any contract which it may henceforth enter into with the City of South Bend, Indiana or any of its agencies, boards or commissions.

Contractor agrees not to discriminate against or intimidate any employee or applicant for employment in the performance of this contract with privileges of employment, or any matter directly or indirectly related to employment, because of race, religion, color, sex, gender expression, gender identity, sexual orientation, handicap, national origin or ancestry. Breach of this provision may be regarded as material breach of contract.

I, the undersigned bidder or agent as contractor on a public works project, understand my statutory obligations to the use of steel products or foundry products made in the United States (I.C. 5-16-8-1). I hereby certify that I and all subcontractors employed by me for this project will use steel products or foundry products made in the United States on this project if awarded. I understand I have an affirmative duty to notify the City in my bid that my proposal does not include the use of steel products or foundry products made in the United States. I understand it is my sole obligation and responsibility to provide a justification to the City, subject to review and approval, why the cost of United States made steel or foundry products is unreasonable. Prior to award and upon submission of bid which does not use steel products or foundry products made in the United States, the City, through its director of public works, shall make a determination if the price of United States made steel or foundry is unreasonable. I understand that violations hereunder may result in forfeiture of contractual payments.

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing bid for public works are true and correct.

Dated this 23rd day of JUNE, 2020

Edward J. White, Inc
Contractor/Bidder (Firm)

[Signature]
Signature of Contractor/Bidder or Its Agent

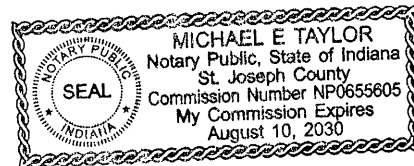
Jeff Bucher, Jr. Vice-President
Printed Name and Title

Subscribed and sworn to before me this 23rd day of June, 2020

My Commission Expires 08/10/2030

Michael E. Taylor
Notary Public

County of Residence St. Joseph



Edward J. White, Inc.



*Plumbing • Heating • Air Conditioning • Boilers
Commercial • Residential • Industrial*

June 23, 2026

City of South Bend Board of Public Works
Attn: Nifemi Oluwatomini – Senior Engineer
215 S. Dr. Martin Luther King Drive
South Bend, IN 46601

Re: Studebaker Museum – HVAC & Controls Upgrade Project

Engineer Oluwatomini:

We have provided a bid for only the HVAC portion of this project. Our bid consists of replacing the two rooftop units as specified and no new control work. The two rooftop units would be furnished as specified, with BACnet cards, however, the existing controls would be removed and reinstalled on the new units by the existing temperature controls contractor to allow them to function on the existing system. The BACnet cards in the units have terminal strips which allow for the installation of the existing controls now while having the BACnet cards integrated for future control upgrades.

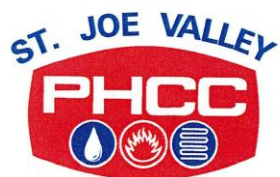
We bid the project in this manner due to the risk associated with the overall controls portion of the project. The replacement of the rooftop units is only a few day project that we will self-perform and have full control over, whereas the temperature controls portion is a few months' worth of work. Since all the controls contractors would be subcontractors to our firm, we do not want to assume the liability and the liquidated damage risk where 90% of the project scope of work is beyond our direct control.

Please contact our office with any questions.

Respectfully submitted;

Edward J. White, Inc.

Jeffrey M. Bucher, Jr.
Vice-President



1011 South Michigan Street • South Bend, IN 46601
Phone: (574) 289-6351 • Fax: (574) 289-3755
www.ejwhiteinc.net
Licensed – Bonded – Insured IN License #CP81021273



**CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN**



**FORM MBE-2.0
EVIDENCE OF GOOD FAITH EFFORTS**

If you are unwilling to affirm in writing your intent to comply with the stipulated MBE participation goals and wish to propose adjusted goals, complete this form and Section II of the MWBE Checklist.

Project Number: 125-079 Date: 06/23/2020
 Project Name: Studebaker National Museum HVAC and Controls Upgrade Project
 Bidder: EDWARD J. WHITE, INC.
 Contact Person: JEFFREY M. BUCHER, JR. Telephone: (574) 289-6351
 Address: 1011 S. MICHIGAN ST.
 City: SOUTH BEND State: IN Zip: 46601
 Email: jbucher@ejwhiteinc.net

To determine whether a bidder has demonstrated good faith efforts to reach the MBE utilization goal set forth in the City of South Bend Public Works Project Specifications, the City and its agencies, boards, or commissions, **REQUIRE ALL** of the following Good Faith Efforts as listed in the table below*:

EVIDENCE OF GOOD FAITH EFFORTS	
X	MBE LIST(S): The bidder reviewed 1) the City of South Bend's Minority and Women Business Enterprise Inclusion Program Plan; 2) the list of certified MWBEs provided by the City; and 3) the Indiana Department of Administration list of Minority and Women Owned Businesses (both certified and non-certified) found at: http://www.in.gov/idoa/ .
GOOD FAITH EFFORTS TO OBTAIN MBE PARTICIPATION	
The bidder shall initial each item below, as evidence of its good faith efforts to obtain MBE participation in the awarded contract.	
X	I affirm that I reviewed the City of South Bend's Minority and Women Business Enterprise Inclusion Program Plan and the Indiana Department of Administration's certified list of Indiana Minority and Women Business Enterprises, found on their website (http://www.in.gov/idoa/).
	I affirm that I have made good faith efforts to select portions of the contract work to be performed by MBEs, including, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE participation.
	I affirm that I have made good faith efforts to solicit through all reasonable and available means the interest of all MBEs in the scopes of work of the contract.
X	I affirm that I attended all pre-bid meetings scheduled by the City of South Bend to inform MBEs of contracting and subcontracting opportunities.
	I affirm that I advertised in general circulation and/or trade association publications concerning subcontract opportunities and allowed MBEs reasonable time to respond to such advertisements.
	I affirm that I performed any and all necessary steps to provide written notices in a manner reasonably calculated to inform MBEs of subcontracting opportunities and allowed sufficient time for MWBEs to participate effectively.
	I affirm that I followed up on initial solicitations with interested MBEs.
	I affirm that I negotiated with interested MBEs in good faith, including providing such MBEs with adequate information about the plans, specifications and other requirements of the subcontract.
	I affirm that I have made good faith efforts to assist interested MBEs in obtaining bonding, lines of credit, or insurance as required by the City or the bidder, where appropriate.

**CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN**



**FORM MBE-2.0
EVIDENCE OF GOOD FAITH EFFORTS**

	<input checked="" type="checkbox"/>	I affirm that I have made good faith efforts to assist interested MBEs in obtaining necessary equipment, supplies, materials, or related assistances or services, where appropriate.
	<input checked="" type="checkbox"/>	I affirm that I did not reject any MBEs as unqualified without sound business reasons based on a thorough investigation of their capabilities.
	<p>CONTRACT RECORDS: The bidder has maintained the following records for each MBE that has bid on the subcontracting opportunity:</p> <ol style="list-style-type: none"> 1. Name, address, and telephone number; 2. A description of information provided by the bidder or subcontractor; and 3. A statement of whether an agreement was reached, and if not, why not, including any reasons for concluding that the MBE was unqualified to perform the job. 	

***Proper demonstration of Good Faith Efforts requires your initials next to all of the above boxes. Any omissions shall be considered grounds for rejection of the bid by the Board of Public Works. The City of South Bend reserves the right to request additional information.**

**CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN
FORM WBE-2.0
EVIDENCE OF GOOD FAITH EFFORTS**



If you are unwilling to affirm in writing your intent to comply with the stipulated MBE participation goals and wish to propose adjusted goals, complete this form and Section II of the MWBE Checklist.

Project Number: 125-079 Date: 06/23/2020
 Project Name: Studebaker National Museum HVAC and Controls Upgrade Project
 Bidder: EDWARD J. WHITE, INC.
 Contact Person: JEFFREY M. BUCHER, JR. Telephone: (574) 289-6357
 Address: 1011 S. MICHIGAN ST.
 City: SOUTH BEND State: IN Zip: 46601
 Email: jbucher@ejwhiteinc.net

To determine whether a bidder has demonstrated good faith efforts to reach the WBE utilization goals set forth in the City of South Bend Public Works Project Specifications, the City and its agencies, boards, or commissions, **REQUIRE ALL** of the following Good Faith Efforts as listed in the table below*:

EVIDENCE OF GOOD FAITH EFFORTS	
X	WBE LIST(S): The bidder reviewed 1) the City of South Bend's Minority and Women Business Enterprise Inclusion Program Plan; 2) the list of certified MWBEs provided by the City; and 3) the Indiana Department of Administration list of Minority and Women Owned Businesses (both certified and non-certified) found at: http://www.in.gov/idoa/ .
GOOD FAITH EFFORTS TO OBTAIN WBE PARTICIPATION	
The bidder shall initial each item below, as evidence of its good faith efforts to obtain WBE participation in the awarded contract.	
X	I affirm that I reviewed the City of South Bend's Minority and Women Business Enterprise Inclusion Program Plan and the Indiana Department of Administration's certified list of Indiana Minority and Women Business Enterprises, found on their website (http://www.in.gov/idoa/).
X	I affirm that I have made good faith efforts to select portions of the contract work to be performed by WBEs, including, where appropriate, breaking out contract work items into economically feasible units to facilitate MWBE participation.
X	I affirm that I have made good faith efforts to solicit through all reasonable and available means the interest of all WBEs in the scopes of work of the contract.
X	I affirm that I attended all pre-bid meetings scheduled by the City of South Bend to inform WBEs of contracting and subcontracting opportunities.
	I affirm that I advertised in general circulation and/or trade association publications concerning subcontract opportunities and allowed WBEs reasonable time to respond to such advertisements.
X	I affirm that I performed any and all necessary steps to provide written notices in a manner reasonably calculated to inform WBEs of subcontracting opportunities and allowed sufficient time for WBEs to participate effectively.
X	I affirm that I followed up on initial solicitations with interested WBEs.
X	I affirm that I negotiated with interested WBEs in good faith, including providing such WBEs with adequate information about the plans, specifications and other requirements of the subcontract.

**CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN**



**FORM WBE-2.0
EVIDENCE OF GOOD FAITH EFFORTS**

	<input checked="" type="checkbox"/>	I affirm that I have made good faith efforts to assist interested WBEs in obtaining bonding, lines of credit, or insurance as required by the City or the bidder, where appropriate.
	<input checked="" type="checkbox"/>	I affirm that I have made good faith efforts to assist interested WBEs in obtaining necessary equipment, supplies, materials, or related assistances or services, where appropriate.
	<input checked="" type="checkbox"/>	I affirm that I did not reject any WBEs as unqualified without sound business reasons based on a thorough investigation of their capabilities.
<p>CONTRACT RECORDS: The bidder has maintained the following records for each WBE that has bid on the subcontracting opportunity:</p> <ol style="list-style-type: none"> 1. Name, address, and telephone number; 2. A description of information provided by the bidder or subcontractor; and 3. A statement of whether an agreement was reached, and if not, why not, including any reasons for concluding that the WBE was unqualified to perform the job. 		

***Proper demonstration of Good Faith Efforts requires your initials next to all of the above boxes. Any omissions shall be considered grounds for rejection of the bid by the Board of Public Works. The City of South Bend reserves the right to request additional information.**

CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN



FORM MBE-2.1
MBE CONTACTED

This completed form should be supplied with Bids that pertain to City of South Bend Public Works Projects requiring Good Faith Efforts to contact MBEs. It is the bidder's sole responsibility to verify whether any listed minority or woman business meets the MBE qualifications. Attach additional pages if necessary.

PAGE 1 OF 1

Project Number: 125-079 MBE Participation Goal 0%

Project Name: Studebaker National Museum HVAC and Controls Upgrade Project

Bidder: EDWARD J. WHITE, INC.

By: [Signature] VICE-PRESIDENT 06/23/2020
(Signature) (Title) (Date)

MBE Firm _____

Owner or Contact at MBE Firm _____

Telephone: _____ Fax: _____ Email: _____

TYPE OF WORK SOLICITED FOR THIS PROJECT:

RESULTS OF CONTACT WITH THE MBE FIRM:

MBE Firm _____

Owner or Contact at MBE Firm _____

Telephone: _____ Fax: _____ Email: _____

TYPE OF WORK SOLICITED FOR THIS PROJECT:

RESULTS OF CONTACT WITH THE MBE FIRM:

CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN



FORM WBE-2.1
WBE CONTACTED

This completed form should be supplied with Bids that pertain to City of South Bend Public Works Projects requiring Good Faith Efforts to contact WBEs. It is the bidder's sole responsibility to verify whether any listed minority or woman business meets the WBE qualifications. Attach additional pages if necessary.

PAGE 1 OF 1

Project Number: 125-079 WBE Participation Goal 3.16%

Project Name: Studebaker National Museum HVAC and Controls Upgrade Project

Bidder: EDWARD J. WHITE, INC

By: [Signature] (Signature) VICE-PRESIDENT (Title) 06/23/2020 (Date)

WBE Firm TECHNICAL CONTROL SOLUTIONS *CERTIFICATE ATTACHED

Owner or Contact at WBE Firm CORY SCHWEIZER

Telephone: (260) 416-0329 Fax: (260) 227-7538 Email: cory@tcsforcomfort.com

TYPE OF WORK SOLICITED FOR THIS PROJECT:

TEMPERATURE CONTROLS

RESULTS OF CONTACT WITH THE WBE FIRM:

BID RECEIVED. IF AWARDED, WILL CONTRACT WITH FIRM.

WBE Firm _____

Owner or Contact at WBE Firm _____

Telephone: _____ Fax: _____ Email: _____

TYPE OF WORK SOLICITED FOR THIS PROJECT:

RESULTS OF CONTACT WITH THE WBE FIRM:

**CITY OF SOUTH BEND
MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN
FORM WBE-2.1
WBE CONTACTED**



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CITY OF SOUTH BEND

EQUAL EMPLOYMENT OPPORTUNITY CONTRACTING PROVISIONS DIVERSITY UTILIZATION

It is the policy of the City of South Bend to provide equal employment and business opportunity for all persons, partnerships, companies, and corporations in accordance with the rules, regulations and guidelines of the applicable federal, state and local laws. This policy of equal employment and business opportunity shall apply to every contractor or subcontractor bidding or holding a public contract with the City of South Bend.

In furtherance of this policy, the following Equal Opportunity Clauses are hereby made a part of every construction contract entered into by the City of South Bend and all subcontractors entered into pursuant to any such contract and the bidder hereby certifies that it/he/she will abide by these provisions.

The contractor will not discriminate against any applicant or employee because of race, color, religion, sex, national origin, or handicap. The contractor will take affirmative action to ensure that all applicants or employees are treated fairly and equitably. Such action shall include but not be limited to the following: hiring, up-grading, demotion or transfer, recruitment, advertising, lay-offs or termination, rates of pay or other forms of compensation and selection for training including apprenticeship programs.

The contractor shall agree to post in conspicuous places available to employees and applicants, notices to be provided setting forth the provisions of the Non-Discrimination Clause.

The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

The contractor will send to each labor union or representative of workers with which it/he/she has a bargaining agreement or other contract or understanding, a notice to be provided, advising the labor union or worker's representatives of the contractor's commitment under this section, and shall post copies of the notices in conspicuous places available to applicants and employees.

The contractor will comply with all provisions of Executive Order 11246 (as amended by 11375) and of the rules, regulations and relevant orders of the Department of Labor.

Subpart B -- Contractors' Agreements

Sec. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereinafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:"

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, color, religion, sex or national origin. Such action will include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause."

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin."

"(3) The contractor will send to each labor union or representative of workers with which it/he/she has a collective bargaining agreement or other contract of understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment."

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules and regulations, and relevant orders of the Secretary of Labor."

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders."

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, in this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked* as provided in Executive Order No 11246 of September 24, 1965, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law."

"(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States."

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency

may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

** Corrected to read "invoked". In the original text the word "involved" was printed in error.*

MINORITY AND WOMEN BUSINESS ENTERPRISE INCLUSION PROGRAM PLAN

The City of South Bend, Indiana has shown its commitment to addressing Minority and Women's Business Enterprise ("MWBE") participation in public contracting through the adoption of the City of South Bend Ordinance No. 10761-21. Persons, partnerships, corporations, associations, or joint ventures awarded a contract by the City of South Bend through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age or disability that does not affect that person's ability to perform work.

Minority and Women's Business Enterprises are described in the Ordinance. A list of MBEs and WBEs (both certified and non-certified) can be found on the Indiana Department of Administration website: <http://www.in.gov/idoa/>. Documentation shall be provided with the bid that states the MBEs and WBEs that will be contracted, the dollar amount of the work that will be performed by the MBEs and WBEs on the project and the percentage of the dollar amount as it relates to the total bid amount by using *Form MBE-1.0, MBE Utilization Plan*, and *Form WBE-1.0, WBE Utilization Plan*.

The City, its agencies, boards, or commissions requires the Contractor's good faith efforts to obtain participation by those Contractors classified as MBEs and WBEs.

Failure to either meet the MBE and WBE goals or to provide evidence of good faith efforts for the bid will be grounds for rejecting a bid as non-responsive.

Bidders shall demonstrate good faith efforts to have active participation from MWBEs on this Project and supply written documentation evidencing such efforts by using *Forms MBE-2.0, Evidence of Good Faith Efforts and WBE-2.0, Evidence of Good Faith Efforts and Forms MBE-2.1, MBE Contacted and WBE-2.1, WBE Contacted*. Such documentation shall include, but is not limited to, the following items:

- a. A listing of all M/WBEs contacted including: (1) the name and address of the M/WBE; (2) the date of contact; (3) the type of contact (i.e., phone call, written solicitation, etc.); (4) the nature or type services or goods requested; and (5) the result of the contact.
- b. Written evidence of outreach and copies of email exchanges inviting and receiving bids; quotes or other responses from M/WBEs or other documentation of efforts to encourage and secure competitive responses from M/WBE and local businesses to be included in the benefits of building this Project.
- c. Written documentation of letters of introduction, invitations to forging majority/minority strategic alliances for capacity building, including but not limited to, mentoring, extensions of assistance on payroll, insurance, bonding, line of credit, technical skills or business skills.
- d. From time to time, projects will undergo a scope change prior to completion. This scope change will inevitably impact the Contractor's usage of MWBE's and the originally submitted Utilization Plan. It is the request of the City that when a project scope change occurs, the applicable Contractor shall utilize its best efforts to contract with M and W Subcontractors in a proportional manner as required by the scope change.

All bidders are actively encouraged to reach out to the M/WBEs in St. Joseph County, Indiana, other Indiana counties, and Berrien County, Michigan to utilize a good faith effort to forge constructive and lasting business partnerships.

Notwithstanding the foregoing, the award and performance of all City contracts shall comply with applicable federal, state, and local laws.

The City reserves the right to request verification of goal implementation throughout the course of the project.

If a goal exists, the winning respondent is contractually obligated to utilize the M/WBE's firms in a manner consistent with what was represented in its quote submission to the City. Deviations to the utilization plan must be requested in writing and approved by the City. The City reserves the right to initiate a change order in the amount equal to the difference in any subcontractor utilization if the utilization plan change is not approved.

CITY OF SOUTH BEND'S GUIDELINES FOR GOOD FAITH EFFORTS BY CONTRACTORS IN MEETING MWBE CONTRACT GOALS

Under the City of South Bend's Minority and Women's Business Enterprise (MWBE) Inclusion Program Plan (COSB Inclusion Plan), the City of South Bend (the City) is authorized to set "contract specific" goals to increase MWBE participation in City contracts and procurements.

MWBE participation goals are set based on availability of MWBE contractors within the City's geographic market area identified in the City's Disparity Study.

For contractors bidding on a construction, services, supplies or equipment contract where goals have been set for all or parts of the project, below is information relevant to "good faith efforts" to meet the contract goal.

When the City sets a contract goal, that means MWBE's are in fact available to perform work on the contract. **Project bidders must try diligently to meet the goal. Failure to make a good faith effort may result in rejection of your bid as non-responsive to the contract.**

Good faith efforts means actions undertaken by a contractor to achieve a contract goal which, by their scope, intensity, and appropriateness to the objective, can be reasonably expected to fulfill the Program's goals (City's Inclusion Plan, Section 4.B., No. 21).

A good faith effort is fully reviewable by the City. **Where a contract goal is not met, contractors must provide as much information as possible to help the City assess the contractor's good faith efforts to achieve the goal. Inadequate proof of good faith efforts may result in a finding that the contractor was non-responsive, causing its bid to be rejected even if it is the lowest.**

Good faith efforts require **active, aggressive efforts** by the prime contractor to obtain the contract MWBE participation goal. Mere pro forma efforts are not good faith efforts. To satisfy the good faith efforts test:

- A prime contractor may not reject a MWBE's bid solely because it is not the lowest bid received from subcontractors. If the MWBE's costs are reasonable and not excessive, the MWBE's quote or bid presumptively should be accepted on a contract requiring goals even if the MWBE's bid is not the lowest one received. However, if an MWBE's bid or quote is unreasonable or excessive, the prime contractor may reject the bid on that basis. The contractor has the burden of demonstrating the excessiveness or unreasonableness of the MWBE's bid or quote. Because the City must determine whether a MWBE quote was unreasonable or excessive, **Contractors must provide the City with copies of each MWBE and non MWBE quote submitted to the bidder when a non-MWBE was selected over an MWBE.**
- A contractor may not reject a MWBE as being unqualified without sound reasons based on a thorough investigation of the MWBE's capabilities. If a prime contractor rejects a MWBE as unqualified, the Contractor must provide the City with good reasons for this. The MWBE's industry standing or membership in a specific group, organization, political or social affiliation (example: union v. non-union) is not a basis to reject the MWBE for lack of qualification.
- The ability or desire of a prime contractor to perform the work of the contract with its own organization team does not relieve the prime contractor of the need to make good faith efforts to use MWBE sub contractors to meet the contract goal.

EXAMPLE: Total Project Estimate is \$500,000. An MWBE goal of 10% is set for a specific part of the project, i.e., \$50,000. Only one MWBE submits a quote to the prime contractor, and it is \$50,000. A non MWBE submits a quote of \$45,000. Rejecting the MWBE bid may not meet the requirement of making a good faith effort to meet the contract goal because: 1) the MWBE quote is within the goal percentage and dollar amount set for MWBE participation on the project; 2) selection of the MWBE quote guarantees that the contractor meets the set goal and that its bid will be deemed responsive; and 3) the difference between the MWBE and non MWBE quotes is not significant in terms of the overall contract amount (i.e., 1% of total contract).

If the MWBE's quote is \$53,000 and the non-MWBE bid is \$50,000, it may yet not be demonstrative of a good faith effort to reject the MWBE solely because the MWBE's quote is not the lowest. The excess is not greatly significant to the total contract cost, and it could reasonably be expected to be made up elsewhere in the contract while guaranteeing full goal compliance.

The above examples are illustrative only. The City will make a fair and reasonable judgment as to good faith efforts based on all information and documentation provided by bidders and taking into account the Quality, Quantity, and Intensity of the efforts made by a contractor to meet the contract goal.

GOOD FAITH EFFORTS MATERIALS TO BE INCLUDED WITH BID

If a contractor's bid does not meet the goal set for the contract, **the contractor must submit evidence of good faith efforts with its bid** so the City can determine whether the contractor is a responsive bidder. If the contractor's bid meets the MWBE goal, evidence of good faith effort is not required, but it would be prudent to include some evidence in case an error was made. The information required of a contractor who has not achieved the contract goal to show good faith efforts can be found in the South Bend Inclusion Program Plan at Section 8.B.3.d. as follows:

(b) Where the bidder cannot achieve the contract goal, the bidder must provide proof of having made good faith efforts to meet the goal. In making this determination of whether to issue a goal waiver, the City will consider, at a minimum, the bidder's efforts to:

(1) Solicit through all reasonable and available means (*e.g.*, attendance at pre-bid meetings, advertising and written notices) the interest of all MWBEs in the scopes of work of the contract. The contractor shall provide interested MWBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow such firms to respond to the solicitation. The bidder must follow up initial solicitations with interested MWBEs.

(2) Select portions of the work to be performed by MWBEs in order to increase the likelihood that the contract goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate participation, even when the bidder would otherwise prefer to perform these work items with its own forces. It is the bidder's responsibility to make a portion of the work available to MWBEs and to select those portions of the work or material needs consistent with the availability of such firms to facilitate their participation.

(3) Negotiate in good faith with interested MWBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of firms that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached. The bidder may not reject MWBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MWBEs is not in itself sufficient reason for a bidder's failure to meet the contract goal, as long as such costs are reasonable. The ability or desire of a bidder to perform the work of a Contract with its own organization does not relieve it of the responsibility to make good faith efforts on all scopes of work within which subcontracting opportunities are available.

(4) Make efforts to assist interested MWBEs in obtaining bonding, lines of credit, or insurance as required by the City or the bidder, where appropriate.

(5) Make efforts to assist interested MWBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.

Materials that should be submitted to support a contractor's good faith efforts include:

- Copies of advertisements, notices, or solicitations from contractor to MWBE's-- to include date and time of issuance;
- A list of all locations where advertisements or notices to MWBE's were placed or solicitations sent;
- Copies of communication between contractor and MWBE's in response to contractor's advertisements, notices, or solicitations;
- Proof of contractor's break-out of contract items into units feasible for performance by WMBE's;
- Proof of communications between the contractor and MWBE regarding negotiations for agreements, and why agreement could not be reached, as stated more specifically in above Subsection (b) (3);
- Proof of bids or quotes from MWBE's and those from non MWBE's when non MWBE's bid or quote is used;
- Proof of efforts made by contractor to assist MWBE to participate in contract, where appropriate; and
- Any other information tending to show that Contractor made active, aggressive efforts to meet the MWBE participation goal but despite good faith efforts was unable to do so.

CITY OF SOUTH BEND, INDIANA
CONTRACTOR'S BID FOR PUBLIC WORK
MWBE CHECKLIST

Project Name Studebaker National Museum
HVAC and Controls Upgrade Project

Project No. 125-079

Quotes Due June 23, 2026 by 9:00 am via email to bpwbids@southbendin.gov

Contractor Name: Edward J. White, Inc.

The City seeks to promote equal opportunity for minority and women-owned businesses, including small local businesses, and to encourage utilization of such businesses in City contracting and procurement.
THIS FORM MUST BE SUBMITTED WITH YOUR BID IF THE BID IS AT OR ABOVE \$150,000.

****THIS FORM ONLY APPLIES TO BIDS GREATER THAN \$150,000. ****

It is the sole responsibility of the potential bidder to comply with all submission requirements applicable to the bidder in Section 14.5 of the City of South Bend, Indiana Code of Ordinances and the Minority and Women Business Program Plan.

INSTRUCTIONS:

If you intend to comply with the stipulated MBE and WBE participation goals, complete Section I only. If you are unwilling to affirm in writing your intent to comply with the stipulated MBE and WBE participation goals, complete Section II and complete forms MBE-2.0, WBE-2.0, MBE-2.1, and WBE-2.1.

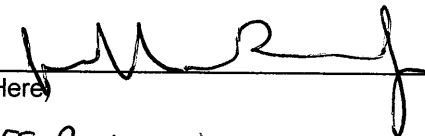
I. MWBE CHECKLIST FOR INTENT TO MEET STIPULATED MBE AND WBE PARTICIPATION

- a) By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information, additional verification of any information provided by me.
- b) By checking this box, I hereby acknowledge that I will meet or exceed the stipulated MBE and WBE participation goals of this contract.
- c) By checking this box, I agree to comply with all tracking and reporting, including online tracking software for MWBE participation.
- d) By checking this box, I understand that a failure to meet the contractual obligations for MWBE participation shall be a breach of contract. I understand that the City shall impose a penalty against the Contractor in the amount of the difference between the stipulated MBE and WBE goals and the actual amount paid to MBE and WBE subcontractors.

II. MWBE CHECKLIST FOR GOOD FAITH EFFORTS GOAL WAIVER

- a) By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information or additional verification of any information provided by me.
- b) By checking this box, I affirm I have made good faith efforts to seek opportunities to meet the stipulated MBE and WBE participation goals. I affirm I have made reasonable efforts (e.g., attendance at pre-bid meetings, advertising, and written notices) to solicit MWBEs in the scopes of work of the contract.
 - i. I have completed the Evidence of Good Faith Efforts Forms [MBE-2.0 and WBE-2.0] and MWBE Contacted Forms [MBE-2.1 and WBE-2.1] and submit these forms as part of my bid.
 - ii. I affirm that if awarded the bid, I will exhibit post-award good faith efforts, examples of which include emailing and calling MWBEs to solicit quotes, advertising subcontracting work in newspapers and online, and meeting with the Office of Diversity Inclusion to identify opportunities for MWBE utilization throughout the course of the project.
- c) By checking this box, I hereby acknowledge that the determination of whether a bidder has made good faith efforts and should be granted a goal waiver will be made by the MWBE Program Administrator, in consultation with the City's Legal Department and Department of Public Works.
- d) By checking this box, I agree to comply with all tracking and reporting, including online tracking software for MWBE participation, even if a goal waiver is granted.

Date: 06/23/2020



(Sign Here)

Jeff Bucher, Jr.

(Print Name Here)

Edward J. White, Inc

(Name of Company)

1011 S. Michigan St.

(Address of Company)

South Bend

(City)

IN

(State)

574/289-6351

(Telephone Number)

CITY OF SOUTH BEND, INDIANA
CONTRACTOR'S BID FOR PUBLIC WORK
RESPONSIBLE BIDDER CHECKLIST

Project Name Studebaker National Museum
HVAC and Controls Upgrade Project

Project No. 125-079

Quotes Due June 23, 2026 by 9:00 am via email to bpwbids@southbendin.gov

Contractor Name: Edward J. White, Inc

The City seeks to enhance its ability to identify responsive and responsible bidders on all City public works projects by institution of comprehensive submission requirements in compliance with State law. Quality workmanship, efficient operation, safety, and timely completion of projects requires that all bidders meet certain minimum requirements to be responsive and responsible bidders.

THIS FORM MUST BE SUBMITTED WITH YOUR BID.

****THIS FORM ONLY APPLIES TO BIDS GREATER THAN \$250,000. ****

INSTRUCTIONS:

If you are a pre-qualified bidder, complete Section I only.

If you are not a pre-qualified bidder, complete Section II only.

Section II acts as an application for pre-qualification. Submission of Section II will allow the bidder to be considered for pre-qualification for bids with the City of South Bend Department of Public Works. Pre-qualified bidders will then be exempt from a portion of the submission requirements outlined in Section 6-71 of The Responsible Bidding Ordinance No. 10975-23 (hereinafter, "Responsible Bidding Ordinance") for a period of twelve (12) months.

Thereafter, contractors who are pre-qualified must submit a complete application for continuation of "pre-qualified" standing, on a form provided by the City ("Responsible Bidder Checklist (1) Pre-Qualified Bidders") within twelve (12) months of obtaining pre-qualified standing. If the status of any item changes within the twelve (12) months, it is the responsibility of the contractor to notify the City. Failure by any pre-qualified contractor to submit its complete application for continuation of "pre-qualified" standing within the time prescribed above shall result in automatic removal of the designation, effective immediately following the twelve (12) months of pre-qualified standing.

However, the "removed" contractor or subcontractor shall still be permitted to bid on City public works projects, though the contractor must submit all required documents under 6-71 until "pre-qualified" status is re-established.

Please Note: The City reserves the right to request supplemental information from the bidder, additional verification of any information provided by the bidder, and may also conduct random inquiries of the bidder's current and previous customers regardless of pre-qualified standing.

It is the sole responsibility of the potential bidder to comply with all submission requirements applicable to the bidder in Section 6-71 of the Responsible Bidding Ordinance no later than the date of the public bid opening.

POST BID SUBMISSIONS:

Post-bid submissions must be submitted in accordance with Section 6-72 of the Responsible Bidding Ordinance. The post-bid submission requirements are as follows:

1. All bidders shall collect, maintain, and provide upon request, a current written list that discloses the name, address, licensing status, and type of work for any subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the public work project, including individuals performing work as independent contractors.
2. Each subcontractor, whose portion of the project is estimated to be at least two-hundred fifty thousand dollars (\$250,000.00), shall be required to adhere to the requirements of Section I of the Responsible Bidder Ordinance as though it were bidding directly to the City, except that the subcontractor shall submit the required information (including the name, address, and type of work) to the successful bidder prior to the commencement of work.
3. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, the City may withhold all payment otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the City approves such information.
4. The disclosure of a subcontractor list ("Disclosed Subcontractor(s)") to the City by a bidder shall not create any rights in the Disclosed Subcontractor(s). Thus, a bidder may substitute another subcontractor for a Disclosed Subcontractor by giving the City, upon request, written notice of the name, address, licensing status, and type of work of the substitute subcontractor.
5. The successful bidder for projects greater than \$250,000 and all subcontractors performing work greater than \$250,000 on a public works project are required to submit certified payroll utilizing the federal form known as WH-347 or a similar form on a bi-weekly basis, submitted within 10 days after the end of each bi-weekly payroll period. Certified payrolls shall identify the job title and craft for each employee. **Certified payrolls shall be submitted electronically.**

Please Note: Submissions deemed inadequate, incomplete, or untimely by the City may result in the automatic disqualification of the bid.

The City, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine whether a bidder is responsive and responsible, and provide a Pre-Qualification Verification Letter. The City specifically reserves the right to utilize all information provided in the contractor's submission and any information obtained by the City through its own independent verification of the information provided by the contractor.

I. PRE-QUALIFIED BIDDER CHECKLIST

(a) Acknowledgements:

- (i) By checking this box, I hereby acknowledge that I am a pre-qualified bidder with the City of South Bend and that I have met the pre-qualification requirements within the last twelve (12) months. **A copy of my Pre-Qualification verification letter is attached.**
- (ii) By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information, additional verification of any information provided by me, and may also conduct random inquiries of my current and prior customers.
- (iii) By checking this box, I hereby acknowledge that apprenticeship and training programs that I participate in have graduated at least five (5) apprentices in each of the past five (5) years.
- (iv) By checking this box, I hereby acknowledge that all subcontractors performing work greater than \$250,000 also meet the qualifications of the Responsible Bidder Ordinance.

(b) Attachments:

- (i) Indiana Secretary of State's on-line records (ie. Business verification) dated within sixty (60) days of the submission of said document showing that business is in existence, current with the Indiana Secretary of State's Business Entity Report, and eligible for a certificate of good standing. (Not applicable to individuals, sole proprietors or partnerships).
- (ii) Statement on staffing capabilities, including labor sources. This statement indicates and ensures I have sufficient employees on staff to complete the work. It outlines how I intend to meet the staffing needs of the work.
- (iii) List of projects of similar size and scope of work performed in all areas, including the State of Indiana, within the last three (3) years.
- (iv) For every project, submit evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. This includes, but may not be limited to, letters from apprenticeship coordinators detailing the bidder's association with the program, and the United States Department of Labor Office of Apprenticeship Certificates of Registration of Apprenticeship Programs for each type of work to be performed on the project.

II. PRE-QUALIFICATION CHECKLIST (FOR BIDDERS THAT ARE NOT PRE-QUALIFIED)

(a) Acknowledgements:

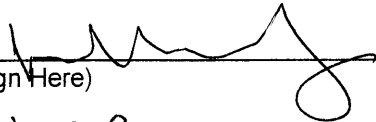
- (i) By checking this box, I hereby acknowledge that I am not a pre-qualified bidder with the City of South Bend.
- (ii) By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information, additional verification of any information provided, and may also conduct random inquiries of my current and prior customers. The City reserved the right to utilize all information provided in this submission and all information obtained in inquiries or requests to determine if a bidder is responsive and responsible. Additionally, I acknowledge that all information provided to the City shall be regarded as public records.
- (iii) By checking this box, I hereby acknowledge that copies of all Applicable apprenticeship certificates or standards for training programs applicable to the work performed on the project may be requested at any time and shall be furnished upon request.
- (iv) By checking this box, I hereby acknowledge and ensure that I and all sub-contractors, from whom I have accepted a bid and/or intend to hire to perform work on the public work project, are properly licensed. Furthermore, I acknowledge my understanding that it is my responsibility to ensure that all sub-contractors have the necessary licenses to undertake the work called for in this bid. If a sub-contractor loses their license at any point, it is the responsibility of that sub-contractor to notify the City.
- (v) By checking this box, I hereby acknowledge that apprenticeship and training programs that I participate in have graduated at least five (5) apprentices in each of the past five (5) years.
- (vi) By checking this box, I hereby acknowledge that all subcontractors performing work greater than \$250,000 also meet the qualifications of the Responsible Bidder Ordinance.

(b) Attachments:

- (i) Indiana Secretary of State's on-line records (ie. Business verification) dated within sixty (60) days of the submission of said document showing that business is in existence, current with the Indiana Secretary of State's Business Entity Report, and eligible for a certificate of good standing. (Not applicable to individuals, sole proprietors or partnerships).
- (ii) N/A List identifying all former business names.
- (iii) N/A Any determinations by a court or governmental agency any violations of federal state, or local laws including, but not limited to, violations of contracting or antitrust laws, tax or licensing laws, environmental laws, Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts, within the preceding five (5) years.
- (iv) Statement about staffing capabilities, including labor sources. This statement indicates and ensures I have sufficient employees on staff to complete the work I am bidding on OR outlines how I intend to meet the staffing needs of the work.
- (v) Statement that individuals who will perform work on the public work project on my behalf will be properly classified as an employee or as an independent contractor under all applicable state and federal laws and local ordinances.
- (v) For every project, submit evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. This includes, but may not be limited to, letters from apprenticeship coordinators detailing the bidder's association with the program, and the United States Department of Labor Office of Apprenticeship Certificates of Registration of Apprenticeship Programs for each type of work to be performed on the project.
- (vi) Copy of a written plan for employee drug testing that covers all of my employees who will perform work on the public work project and meets or exceeds the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6.
- (vii) Evidence that I am utilizing a surety company which is on the Bureau of Fiscal Service "Department of Treasury's Listing of Approved Sureties" as required in the bid specifications or contract.

- (viii) N/A Written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the preceding three years.
- (ix) X List of projects of similar size and scope of work performed in all areas, including the State of Indiana, within three (3) years prior to the date on which the bid is due.

Date: 06/23/2020


(Sign Here)

Jeff Bucher, Jr.
(Print Name Here)

Edward J. White, Inc
(Name of Company)

1011 S. Michigan St
(Address of Company)

South Bend
(City)

IN
(State)

574/289-6351
(Telephone Number)



STATE OF INDIANA

Eric J. Holcomb, Governor

DEPARTMENT OF ADMINISTRATION
Division of Supplier Diversity

Indiana Government Center South
402 West Washington Street, Room W462
Indianapolis, IN 46204
(317) 232 - 3061

August 3, 2023

Ms. Corenia Schweizer
Technical Controls/Solutions, Inc.
2640 N. 825 E.
Churubusco, IN 46723

Subject: Application for WBE Certification

Dear Ms. Schweizer,

Congratulations! The Indiana Department of Administration, Division of Supplier Diversity is pleased to inform you that **Technical Controls/Solutions, Inc.** is hereby certified as a Women's Business Enterprise (WBE).

Your company provides a commercially useful function in the areas listed below. Only work performed in these areas will be counted towards Women's Business Enterprise participation:

UNSPSC CODE(S)

<i>Code</i>	<i>Description</i>
40100000	Heating and ventilation and air circulation
72151507	Electronic controls installation services
72151508	Computerized controls installation service
72151509	Energy Management Controls Installation Services
72151510	Environmental system control installation service

On September 13, 2010, the Governor's Commission on Supplier Diversity approved the department's effort to streamline its recertification process. Instead of conducting an onsite visit to each company seeking recertification, the department now has the discretion to waive the visit after a thorough review of the company's file and recertification documents. We have approved your recertification and it is valid through **August 31, 2026**. Please note that IDOA continues to reserve the right to conduct a site visit or phone interview at any time with certified companies.

Although your certification is valid for three years, you are required to submit an annual **Affidavit of Continued Eligibility (ACE)** form year. Instructions on how to receive and complete this form can be located at <https://www.in.gov/idoa/mwbe/minority-and-womens-business-enterprises/certify-your-business/>. Please remember that you must notify us immediately if any changes occur. Failure to notify us of changes or to provide an ACE form annually will result in the revocation of your certification. Changes include, but are not limited to, changes in location, contact information, ownership, and control.

Referencing: Technical Controls/Solutions, Inc.

We encourage you to visit IDOA's procurement website, www.in.gov/idoa/2464.htm, and update your Business Registration Profile. You must review and update your profile regularly, because state purchasing agents and prime contractors may use this information to contact you for business opportunities.

While this letter serves as notification of certification, it does not serve to prove continued eligibility. Please visit <https://www.in.gov/idoa/mwbe/2743.htm> to verify your certification status. Please contact our office at (317) 232-3061 or mwbe@idoa.in.gov if you have any other questions or concerns about your letter.

Sincerely,

Peter Sobun

Peter Sobun, Director of Certification
Indiana Department of Administration
Division of Supplier Diversity

PS/jm

Attachment i

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
06/04/2026 09:46 AM

Business Details

Business Name: **EDWARD J. WHITE, INC.** Business ID: **194136-155**
Entity Type: **Domestic For-Profit Corporation** Business Status: **Active**
Creation Date: **01/04/1947** Inactive Date:
Principal Office Address: **1011 S MICHIGAN, SOUTH BEND, IN,
46601, USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due
Date: **01/31/2027**
Years Due:

Governing Person Information

Title	Name	Address
Secretary	Michael Taylor	1011 South Michigan St., SOUTH BEND, IN, 46601, USA
President	JOSEPH M WHITE	1011 S MICHIGAN ST, SOUTH BEND, IN, 46601, USA

Registered Agent Information

Type: **Individual**
Name: **Joseph White**
Address: **26408 Trappers Pass, South Bend, IN, 46619, USA**

Edward J. White, Inc.

Plumbing • Heating • Air Conditioning • Boilers
Commercial • Residential • Industrial



Attachment iv – Staffing Capabilities

Edward J. White, Inc. employs, on average, the following number of individuals. Below are the signatory labor organizations as well as the respective number of employees:

- Plumbers & Pipefitters Local Union #172
 - 25-30 Employees
- Teamsters Local Union #364
 - 2 Employees
- Office & Managerial Staff
 - 9 Employees

Edward J. White is also signatory to the following labor organizations and employs workers from these unions on an as needed basis:

- Plumbers & Pipefitters Local Union #166
- Plumbers Local Union #210
- Pipefitters Local Union #597
- Operating Engineers Local Union #150

Please contact our office with any questions.

Respectfully submitted;

Edward J. White, Inc.

Jeffrey M. Bucher, Jr.
Vice-President



1011 South Michigan Street • South Bend, IN 46601
Phone: (574) 289-6351 • Fax: (574) 289-3755
www.ejwhiteinc.net
Licensed – Bonded – Insured IN License #CP81021273



Edward J. White, Inc.

Plumbing • Heating • Air Conditioning • Boilers
Commercial • Residential • Industrial



Attachment v – Properly Classified Employees

All employees who perform work on public works projects are either Edward J. White, Inc. employees, properly classified for the work being performed, or, are independent contractors in accordance with all state and federal laws and local ordinances.

Please contact our office with any questions.

Respectfully submitted;

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SOUTH BEND PLUMBERS & PIPEFITTERS Local 172
JOINT APPRENTICESHIP
TRAINING COMMITTEE
4172 Ralph Jones Court
South Bend, IN 46628
Telephone: (574)-273-0500 Fax: (574)-273-1560



Attachment v

June 18, 2026

To Whom It May Concern,

Plumbers & Pipefitters Local 172 Joint Apprenticeship & Training Committee has been registered and certified with the US Department of Labor, Bureau of Apprenticeship and Training since December 22, 1941, with the Office of Apprenticeship Administration number being IN020410001. E. J. White, Inc. became a signatory contractor with Local Union 172 – Plumbers & Pipefitters in 1970 making them also a signatory with our Joint Apprenticeship Training program.

Sincerely,

A handwritten signature in black ink that reads 'Jeremy J. Lucas'.

Jeremy J. Lucas

Apprenticeship Training Coordinator

jlucas@ua172.org

O: 574-273-0500

C: 574-440-2757

Attachment v



SOUTH BEND PLUMBERS & PIPEFITTERS Local 172
JOINT APPRENTICESHIP
TRAINING COMMITTEE
4172 Ralph Jones Court
South Bend, IN 46628
Telephone: (574)-273-0500 Fax: (574)-273-1560



To whom it may concern,

South Bend & Vicinity Plumbers & Pipefitters Local 172 JATC registered number of apprentices under program number IN020410001 over the past five years:

Yr. 2021 – 2022 = 95

Yr. 2022 – 2023 = 109

Yr. 2023 – 2024 = 114

Yr. 2024 – 2025 = 162

Yr. 2025 = 2026 = 175

Sincerely,

A handwritten signature in black ink that reads "Jeremy J. Lucas".

Jeremy J. Lucas

Apprenticeship Training Coordinator

jlucas@ua172.org

O: 574-273-0500

C: 574-440-2757

The United States Department of Labor

Office of Apprenticeship

Certificate of Registration of Apprenticeship Program

SOUTH BEND PLUMBERS & PIPEFITTERS LOCAL 172 J.A.T.C.
SOUTH BEND, INDIANA
FOR THE TRADE CLASSIFICATIONS: PLUMBER, PIPEFITTER, HVACR SERVICE TECHNICIAN

*Registered as part of the National Apprenticeship System
in accordance with the basic standards of apprenticeship
established by the Secretary of Labor*

DECEMBER 22, 1941

Date Revised: July 20, 2017

IN020410001

Registration No.



John V. Ladd
Administrator, Office of Apprenticeship

APPENDIX B

RELATED INSTRUCTION OUTLINE

1. **Plumber Apprentice – Related Instruction Outlines**

O*NET-SOC CODE: 47-2152.02 RAPIDS CODE: 0432
(Building Trades/Commercial Focus – 1,080 Contact Hours)

O*NET-SOC CODE: 47-2152.02 RAPIDS CODE: 0432R1
(Building Trades/Commercial Focus – 1,080 Contact Hours)

2. **Pipefitter Apprentice – Related Instruction Outline**

O*NET-SOC CODE: 47-2152.01 RAPIDS CODE: 0414
(Building Trades/Commercial Focus – 1,080 Contact Hours)

3. **HVACR Service Technician – Related Instruction Outlines**

O*NET-SOC CODE: 49-9021.01 RAPIDS CODE: 0637
(Building Trades/Service Focus – 1,230 Contact Hours)

O*NET-SOC CODE: 49-9021.01 RAPIDS CODE: 0637R
(Building Trades/Service Focus – 1,230 Contact Hours)

APPENDIX B
Related Instruction Outline

PLUMBER/PIPEFITTER APPRENTICE
TERM: 5 Years
O*NET-SOC CODE: 47-2152.02 & 47-2152.01
RAPIDS CODE: 0432 / 0432R1 / 0414

YEAR ONE

COURSE	HOURS
First Aid, CPR, & AED	9
OSHA 10 / Infectious Control Risk Assessment (ICRA)	21
Rigging / Pipe, Valve, & Fittings	24
Soldering & Brazing	54
Technical Writing / Personal Finance	54
Related Math	54
Total RTI Hours	216

YEAR TWO

COURSE	HOURS
Water Supply	27
Drainage	27
Plumbing Service	27
Pipefitter Layout	27
Gas Installation / Water Heaters & Softeners	54
Science	27
Plumbing Fixtures	27
Total RTI Hours	216

YEAR THREE

COURSE	HOURS
Welding I / Oxy-Acetylene Cutting	54
History of Organized Labor & UA Heritage	54
Welding II	54
Drafting & Blueprint reading	54
Total RTI Hours	216

YEAR FOUR

COURSE	HOURS
Human Relations / Customer Service Skills	48
Hydronic Heating & Cooling	54
Plumbing Code	54
Backflow Cross-Connection Certification	30
OSHA 30	30
Total RTI Hours	216

YEAR FIVE

COURSE	HOURS
Medical Gas	54
EPRI Industrial Rigging Certification	54
UAMCAA Foreman Certification	54
Pipefitter Layout / Tube Bending	54
Open Electives: Advanced Welding or Auto CAD/BIM/Trimble	Optional
Total RTI Hours	216

APPENDIX B

HVACR SERVICE TECHICIAN

TERM: 5 Years

O*NET-SOC CODE: 49-9021.01

RAPIDS CODE: 0637 / 0637R

YEAR ONE

COURSE	HOURS
First Aid, CPR, & AED	9
OSHA 10 / Infectious Control Risk Assessment (ICRA)	21
Rigging / Pipe, Valve, & Fittings	24
Soldering & Brazing	27
Technical Writing / Personal Finance	54
Related Math	27
Basic Electricity	54
Electrical Controls	54
Science	27
Refrigeration	27
Total RTI Hours	327

YEAR TWO

COURSE	HOURS
Water Supply	27
Drainage	27
CFC 608 / R-410 Certifications	27
Refrigerant Controls	27
Gas Installation / Water Heaters & Softeners	54
Welding I	27
Plumbing Service / Fixtures	27
Total RTI Hours	216

YEAR THREE

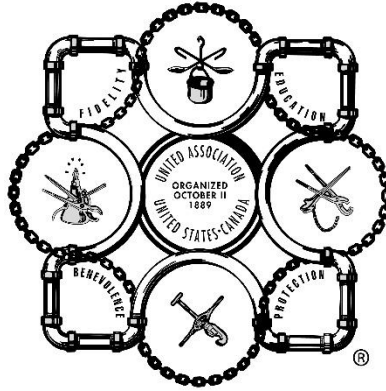
COURSE	HOURS
Building Automation / DDC Controls	54
History of Organized Labor & UA Heritage	54
Steam Basics	27
Pneumatics	27
Pumps & Hydronics	27
Ice Machines & Electrical Troubleshooting	27
Total RTI Hours	216

YEAR FOUR

COURSE	HOURS
Human Relations / Customer Service Skills	48
Refrigeration II / Chillers	54
Plumbing Code	54
Backflow Cross-Connection Certification	30
OSHA 30	30
Total RTI Hours	216

YEAR FIVE

COURSE	HOURS
Medical Gas	54
EPRI Industrial Rigging Certification	54
UAMCAA Foreman Certification	54
VFDs	54
Total RTI Hours	216



**INDIANA STATE PIPE TRADES
ASSOCIATION/MECHANICAL
CONTRACTORS
ASSOCIATION OF INDIANA**



**STATEWIDE DRUG and
ALCOHOL TESTING
POLICY and PROGRAM**

Effective **June 1, 2021**, this policy supersedes all prior policies, procedures, and practices related to the use and/or abuse of drugs and/or alcohol.

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A. POLICY STATEMENT

MECHANICAL CONTRACTORS ASSOCIATION OF INDIANA, on behalf of its member contractors (collectively, the "MCAI"), and the **INDIANA STATE PIPE TRADES** and its affiliated United Association Local Union Nos. 136, 157, 166, 172, 440, (collectively, the "Union"), together recognize that the use and abuse of drugs and alcohol can seriously impair a participant's ability to perform safely and efficiently his or her duties. Drug and alcohol use and abuse not only jeopardizes the public's, participant's and co-worker's safety, they undermine the public's confidence in the construction industry.

Because the use of drugs and alcohol in the work place pose a significant threat to the safety of the public and participants, the MCAI and the Union have established this policy as a part of their ongoing efforts to maintain a drug and alcohol-free work place.

All participants are expected to report to work free of alcohol and illegal drugs and not to sell, purchase, distribute, dispense, possess, or use or conspire to sell, purchase, distribute, dispense, possess, or use an illegal drug or alcohol on a job site or during working time. Likewise, all participants are expected not to misuse or abuse any prescription or nonprescription medications. MCAI and the Union look to all participants to support this policy to ensure quality service to the public and to better the overall safety, health, productivity, and welfare of all participants. Participants are asked to discourage co-workers from violating this policy and are expected to cooperate in efforts to enforce this policy and in any investigation of its violation.

It is the intention of this policy to comply with state and federal laws. Where state and federal law differ, the policy will comply with federal law. For example, some state laws permit the use and possession of marijuana for medical and/or non-medical purposes. Federal law does not. Consistent with federal law, the policy considers marijuana to be an illegal drug for purposes of this policy.

All participants and applicants for employment to positions covered by the collective bargaining agreements supplemented by this negotiated policy are subject to this policy. All non-bargaining unit Contractor participants that are directly involved in the piping industry at all locations of shops and or offices, within the above mentioned local jurisdictions, either full or part-time are subject to this policy if their Contractor chooses to have them participate. Each individual will be issued an Identification Card. To be eligible to work on a job site, an individual must possess a valid Identification Card, as defined in this policy.

Upon a participant's arrival at a job site or office, the Contractor shall require the participant to present his/her Identification Card. Contractors may verify with Indiana Testing, Inc. (ITI) or Construction Safesite (www.construction safesite.org) the status of an individual, whether or not he/she presents a valid card. If the participant does not possess a valid card, he must take, and pass, an initial test, as described in this policy, prior to commencing work.

B. POLICY ADMINISTRATION

1. Prohibited Substances

A drug is any substance which may impair mental or motor functioning including but not limited to illegal drugs, controlled substances, "designer" drugs, synthetic drugs, and, under certain circumstances described in this policy, prescription or nonprescription drugs and medications. Alcohol includes all beverages, mixtures, substances, medications, inhalants, or preparations which contain alcohol. Drugs and alcohol as defined above are prohibited substances.

Although this policy prohibits the use of **any** illegal drug, at a minimum testing will be done for the following substances:

Marijuana

Cocaine

Opiates – including: Morphine, Codeine, Heroin, Hydrocodone,
Hydromorphone, Oxycodone and Oxymorphone

Amphetamines/Methamphetamines/Ecstasy

Phencyclidine (PCP)

Barbiturates

Benzodiazepine

Methadone

Propoxyphene

Depending upon the circumstances, testing may also be done for alcohol. Participants involved in an accident/incident, or who demonstrate a reasonable cause for testing, shall be required to take an alcohol and drug test.

Tests for alcohol shall be performed using breath, saliva or blood to determine a BAC (blood alcohol content). If possible, a Breathalyzer type instrument conforming to DOT standards should be used. If that is not available, then a blood draw may be used.

2. Testing Procedures

- a. All urine collections for drug testing purposes shall be conducted in accordance with standard procedures that are patterned but are not exactly the same as those found in "49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs." A separate urine collection procedure document has been developed for this program.
- b. All urine and blood testing shall be performed only by a laboratory certified by the U.S. Department of Health and Human Services.
- c. All drug and alcohol testing shall be conducted in accordance with the U.S. Department of Health and Human Services' "49 CFR Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs."
- d. Any result on a screening test which exceeds the levels set forth below shall be confirmed by a subsequent test conducted using the Gas

Chromatography/Mass Spectrometry assay or other approved method recognized by the U.S. Department of Health and Human Services. No adverse action or discipline shall be taken against any participant or applicant for employment on the basis of the result of a screening test which is not confirmed to be "positive" by such subsequent test.

- e. A "positive" drug test result shall mean that a drug(s) was detected at or above cutoff levels on both the screening test and the confirmatory test using the cutoff levels established by "Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs" or standard industry cutoff levels for those drug categories that are not included in Part 40.

The following cutoff levels will be used to determine a positive drug test ng/ml:

Drug description	Screening level	Confirmation level
Amphetamines/Methamphetamines/MDMA/MDA	500	250
Barbiturates	300	150
Benzodiazepines	300	150
Benzoyllecgonine-cocaine metabolite	150	100
Marijuana Metabolite	50	15
Methadone	300	300
Opiates (codeine/morphine)	2000	2000
6-AM (Heroin)	10	10
Hydrocodone/Hydromorphone	300	100
Oxycodone/Oxymorphone	100	100
Phencyclidine - PCP	25	25
Propoxyphene	300	150

A "positive" alcohol test result shall mean alcohol concentration at or above .04%.

- f. In the case of a non-negative drug test result, the participant shall be so advised by the Medical Review Officer ("MRO"),¹ on a confidential basis, prior to the reporting of the results to the employer, and the participant shall have the right to discuss and explain the results including the right to advise the MRO of any medication prescribed by the participant's own physician which may have affected the results of the test. Expired prescriptions will not be accepted by the MRO as a valid explanation for a positive lab result. Use of hemp products will not be an acceptable explanation for a positive marijuana test result. Use of CBD oil that complies with Indiana law will not cause a participant's specimen to test positive for marijuana and therefore will not be an acceptable explanation for a positive marijuana test result. The MRO may order additional laboratory tests in the course of verifying a prescription that is known to contain THC, the metabolite of marijuana that is detected on the testing panel. After notification to the participant, the employer and the union shall be notified by 10:00 a.m. the following

¹ An MRO is a licensed physician who has knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

business day.

The MRO may verify tests as positive without having communicated directly with an individual about the results if the individual expressly declines the opportunity to discuss the test or does not return a call to the MRO service within three (3) business days. If the MRO needs assistance with reaching a collective bargaining participant, the MRO must only seek assistance from the participant's union, not the participant's contractor.

- g. A participant testing "positive" shall have the right to have the split specimen or the balance of the original sample tested at another SAMSHA accredited lab if the participant makes a written request to retest to the Substance Abuse Policy Coordinator within 72 hours of receipt of notice of a positive drug test from MRO. A retest is based on the presence of the controlled substance. If no presence is detected, the test will be considered negative, and the participant shall be allowed to resume work immediately and be reimbursed for the cost of the test, and lost time, if any. A retest will not be conducted until the participant has paid for the test. The participant must prepay the cost of retest at the time he/she requests the retest with an acceptable form of payment (credit card, cash, or money order.)
- h. Alcohol tests, when required, will be conducted by a trained Breath Alcohol Technician (BAT) if possible. Screening tests may be done using an evidential breath-testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done using an evidential breath-testing device. If it is not possible to test using the breath, then a saliva test or blood draw may be performed. Standard DOT breath alcohol testing procedures will be followed when possible.
- i. Individuals subject to this policy continue to have access to the usual protections provided as a part of their union membership and/or as members of bargaining units covered by collective bargaining agreements. Such individuals may request that a union representative be available or present prior to any action taken by an employer, if any, at any stage of the policy and its administration.

3. Substance Abuse Policy Coordinator

Indiana Testing, Inc. (ITI), an independent corporation with a history of managing drug testing programs, has been contracted to serve as the Substance Abuse Policy Coordinator (SAPC). It is the intent of the MCAI and the Union to outline the specific duties of the Substance Abuse Policy Coordinator and to govern those activities by serving as advisors to the Substance Abuse Policy Coordinator.

4. Testing Outside of Program

In the event that a contractor is required to test a participant but due to unforeseen events, the testing is not completed through the Substance Abuse Policy Coordinator, the contractor is responsible for providing a copy of the test results to the Substance Abuse Policy Coordinator of the program.

C. VOLUNTARY IDENTIFICATION AND REHABILITATION/TREATMENT

Any participant who voluntarily identifies himself as having a drug- or alcohol-related problem will not be subject to discipline for volunteering that fact. Rather, the participant must surrender his Card and pursue counseling, rehabilitation, or treatment to eliminate dependence on drugs or alcohol.

Participants who volunteer such information and participate in a counseling/rehabilitation/ treatment program are not relieved of their obligation to comply with this policy and applicable rules concerning alcohol and drugs.

Since the key to any rehabilitative effort is a participant's willingness to admit and seek to remedy the problem, this provision is not available to a participant who requests protection after being asked to submit to a test or after the participant's use of drugs or alcohol becomes a personnel issue based on direct observation or other reliable evidence, such as an arrest or criminal conviction for a drug- or alcohol-related offense.

If the participant is actively participating or has successfully completed the counseling/rehabilitation/ treatment program as verified in writing by the Participant Assistance Program (EAP), the participant will be eligible to work after passing a return-to-work test, as described in this policy. Return from rehabilitation is also conditioned upon the participant's compliance with individual responsibilities, which may include obtaining follow-up counseling and/or treatment as recommended by the EAP.

Any costs associated with the voluntary counseling/rehabilitation/treatment program will be at the participant's expense unless the charge is specifically covered under the EAP or an applicable insurance policy, and the participant is an active participant in the insurance program.

MCAI and the Union encourage all participants troubled by their own or a family member's drug or alcohol abuse to seek professional care and treatment. Early recognition and treatment of alcohol and drug abuse provides the greatest opportunity for successful recovery. MCAI and the Union provide an Employee Assistance Program (EAP) for all participants and their families who need professional guidance in assessing their substance abuse or alcohol-related problem and choosing an appropriate course of treatment. Current participants will be referred to an EAP representative as a result of a positive drug test or upon an individual's own request. In either case, the content of discussion with the EAP will be totally protected and confidential to the extent it is allowed, by law, with the exception that the EAP will be free to speak with the privacy officer of your union regarding dates of contact with EAP and assigned counselor, compliance/noncompliance of recommendations, and appropriateness of recommendation if contested by member. EAP will also be free to communicate to the union's privacy officer the steps needed to be taken by member to be released to take a return to duty urine screen and to remain in compliance. A participant, who seeks the services of the EAP on his/her own, will never have his/her use of the program brought to the attention of MCAI and the Union or any of its subscribing organizations or participants. Individuals who use the EAP as a

consequence of a positive drug test will be subject to the conditions established in the drug testing portion of this policy.

The Employee Assistance Program (EAP) is a member resource sponsored by MCAI and the Union. The EAP provides confidential assistance to participants who are experiencing substance abuse or alcohol-related problems in their own lives, or who have family members with a similar problem that requires attention. Because alcohol and drug problems affect all areas of a person's life and because individuals and families often recognize the consequences of alcohol and drug problems without attributing these problems to the alcohol and/or drug use, the EAP is also available to assist with family, marital, parenting, emotional health, mental health, stress and financial issues. Addressing these issues not only uncovers cases of alcohol and drug abuse, but also provides preventive services to help families cope with issues in everyday living that can lead to substance abuse. The staff of the EAP has knowledge of the level and types of benefits available to MCAI and the Union participants. Participants can access the service of the EAP through a hotline that is staffed twenty-four (24) hours a day, seven (7) days a week, throughout the entire year for emergency or crisis situations. Participants calling the EAP hotline are put in touch with a counselor who will conduct a professional assessment and may meet with them to further assess the nature of the problem in order to provide the best and most appropriate level of care. Participants that need to schedule a non-emergency appointment, should contact the EAP between 8:00 am and 4:30 pm (EST), Monday through Friday at 800/745-4838, ext. 2. The EAP is staffed by certified and credentialed human services professionals who are sensitive to the needs of the individual. Individuals who take the initiative to contact the EAP for assistance do so with the assurance that their calls will be treated respectfully and confidentially. The direct services provided by the EAP are sponsored by MCAI and the Union.

D. TESTING OF PARTICIPANTS

The following are circumstances under which testing will be conducted. Participants may be eligible for a reimbursement check for initial, random, and annual reasons for testing. Reimbursement checks will be void after 60 days from the date of the check.

1. Initial Testing

All persons who are otherwise eligible to obtain an Identification Card will be instructed to report and provide a urine sample at an approved collection site at a specified time, under procedures that will be provided to the individual.

2. Random Testing

In order to maintain a valid Identification Card, all individuals are subject to random testing. The participants will be chosen for a random drug test by one of the following methods:

- a. Participants will be selected anonymously from a computerized selection program. If an individual is selected for testing, he/she will be notified to report to an approved collection site as soon as possible, within 7 days of the date of the random letter. Random selection by this method will test 5% of the then-current covered workforce of each participating local union,

each month, without prior notice. Only a drug test will be administered for this type of random testing.

If a participant fails to report for the random test within the designated time frame but has an acceptable excuse that is approved by the Substance Abuse Policy Coordinator, their card status will be invalid until they report for the test. If a participant fails to report for the random testing within the designated time frame and does not have an acceptable excuse, a refusal to test violation will be recorded for the participant and they will be referred to the EAP. It is in the participant's best interest to contact EAP immediately after learning of the violation. If there is any delay, there is a greater chance that the participant may be delayed in being able to return to work in a timely manner.

- b. An owner/job site may require participants to be subject to random testing. If feasible and if the testing meets the program's requirements, the test results shall be submitted for entry into this program.

3. Annual Testing

In order to maintain a valid Identification Card, each individual will be tested at least every twelve (12) months.

4. Reasonable Cause Testing

When there is reasonable cause to believe that a participant is under the influence of drugs, testing shall be required. When there is reasonable cause to believe that a participant has used alcohol, testing shall be required. The EAP will make available supervisory training in the signs and symptoms of alcohol and drug abuse in the workplace as well as in how to intervene with reasonable cause cases. The EAP will be available 24 hours a day to consult with supervisors regarding probable cause cases.

"Reasonable cause" testing may be based upon such things as:

- a. Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the participant, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs;
- b. A pattern of abnormal or erratic behavior as evidenced by the participant's work time actions, appearance, or conduct;
- c. Arrest for a drug-related offense while at the worksite or in company vehicle;
- d. Newly discovered evidence that the participant has tampered with a prior drug test.

If feasible, the participant's conduct will be witnessed by at least two supervisors. If not feasible, one supervisor's observations are sufficient. Reasonable cause can

also be based upon a report received from a third party observer if the report is independently corroborated. A copy of the report will be sent to the employer, participant and the union.

If a participant is suspected of using illegal drugs or alcohol, the appropriate supervisor (one who was involved in the reasonable cause determination) will gather all information, facts, and circumstances leading to and supporting the suspicion. If the supervisor has evidence and/or specific indicators that the participant is using a controlled substance illegally that is not known to be detected under the program's normal testing panel, the employer may request that an expanded testing panel be used to detect the suspected controlled substance. A controlled substance may include any substance listed on Schedule I through V of Section 202 (21 U.S.C. 812) of the Controlled Substance Act (example: synthetic marijuana known as "K2" or "Spice", designer stimulants known as "bath salts"). Permission to test for additional drugs will be granted by the Substance Abuse Coordinator with approval by the Drug Testing Policy Committee. Should the participant test positive for a controlled substance not normally detected on the program's testing panel, the participant's card status will be changed to "not valid" and the participant will be required to complete the rehabilitation steps described in this policy. A participant who is required to submit to a reasonable cause drug screen will be suspended until the results of the test are disclosed to the employer. If the test result is negative, the participant will be paid for the days of work missed.

When the supervisor(s) has reasonable cause to believe that the participant has used drugs or alcohol, a written report detailing the circumstances, which formed the basis to warrant testing, will be made, and the participant will be directed to submit to testing. A copy will be sent to the employer, participant and the union.

In any reasonable cause situation, the employer will ensure that the participant is transported to an appropriate facility. The participant may request that a Union representative also be present. In the absence or unavailability of a Union representative, the testing process will not be delayed. The employer will ensure the participant is transported back to the work site, where a spouse, family member, or other individual will be contacted to transport the participant to the participant's residence. In the event no such individual is available, the employer will provide transportation to the participant's residence. If the participant refuses to agree to any of these procedures and attempts to operate his or her own vehicle, the employer may take appropriate efforts to discourage the participant from doing so, up to and including contacting local law enforcement officials. Any participant failing to cooperate with any of the procedures described above will be subject to discharge and revocation of the Identification Card.

5. Post-Accident Testing

For purposes of this policy, an accident is an event that occurs while a participant is on working time or conducting a contractor's business, whether on or off a job site, when that event results in (1) death, (2) bodily injury to a person who receives medical treatment away from the scene of the accident, or (3) property damage. This will include serious near miss accidents.

As soon as possible, but no later than two (2) hours after an accident, each participant whose performance either may have contributed to the accident or cannot be completely discounted as a contributing factor to the accident, will be tested for drugs and alcohol. A participant who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining samples, hospital reports, and/or other documents that would indicate whether there were drugs or alcohol in his or her system at the time of the accident. A participant who refuses to provide such authorization will be considered to have refused to submit to testing.

If there is a reasonable cause basis for the post-accident test, the participant will be subject to all the reasonable cause provisions.

6. Return To Work And Follow-Up Testing

- a. Any participant returning to work after an absence of any duration for a positive test result and/or counseling/rehabilitation/treatment purposes must satisfactorily pass a drug screen to be eligible to work.
- b. Follow up tests will be required for a maximum of 12 months after a participant returns to work from a positive test result and/or counseling/rehabilitation/treatment. The participant will be subject to not more than four (4) unannounced follow-up tests. Four (4) follow up tests is the maximum number required and the SAP may recommend less than four (4). The Substance Abuse Policy Coordinator will schedule any unannounced tests under this policy. The Substance Abuse Policy Coordinator will give the participant notice of such unannounced tests by phone or mail. The participant must take the test within twenty-four (24) hours after receiving notice; if not, the participant will be considered to have failed the test.

The participant may be marked as non-compliant by the SAPC for any of the following reasons:

- i. The participant fails to report timely for a follow-up test due to an acceptable reason.
- ii. The participant is working out of the area and unable to do follow-ups while out of the area.
- iii. The participant is incarcerated.

The length of time to complete follow-up tests may be extended by the SAPC for any of the reasons above.

- c. If a follow-up test is dilute, the participant will be required to re-test. Under these circumstances the initial diluted test will not count as one of the required follow-up tests.
- d. If alcohol tests are required for follow-up testing the SAP will require the participant to sign appropriate releases for the monitoring of the alcohol follow-up test through his/her employer for the duration of follow-up testing.

- e. The program will pay for the return to duty and follow-up testing required after the first violation. The participant will be required to pay for the return to duty and follow-up testing required after the second or subsequent violations. There will be no reimbursement for Return to Work and Follow-Up Testing.

E. PRESCRIPTION / NONPRESCRIPTION DRUGS OR MEDICATIONS

The misuse of any prescription or nonprescription drug or medication is also prohibited.

If an individual is using a prescription drug that may impair his/her mental or motor functions so as to affect his/her ability to perform safely their duties and responsibilities, the individual must report the use of that prescription drug to his/her supervisor prior to reporting to work after its use. Each contractor reserves the right to determine whether an individual can safely perform his/her duties and responsibilities while taking the prescription drug. The contractor will determine the appropriate action to ensure workplace safety.

If an individual is using a non-prescription medication that has a written warning that indicates use may impair mental or motor functions so as to affect his/her ability to perform safely their duties and responsibilities, the individual must report the use of that non-prescription medication to his/her supervisor if the medication is taken prior to or during work time. The contractor will determine the appropriate action to ensure workplace safety.

F. SANCTIONS / CONSEQUENCES

- 1. Positive test results:
 - a. A participant testing positive for the first time must surrender his/her Identification Card, will be ineligible to work, and will be discharged. The participant will be ineligible for work for a minimum period of thirty (30) days from the date the violation is reported to the union and/or contractor and, upon returning to work, is subject to unannounced Follow-Up testing for a minimum of one (1) year.
 - b. A second positive test will result in the participant being discharged and revocation of the Identification Card. The participant will be ineligible for work for a minimum period of ninety (90) days from the date the violation is reported to the union and/or contractor and, upon returning to work, is subject to unannounced Follow-Up testing for a minimum of one (1) year.
 - c. A third positive test will result in the participant being discharged and revocation of the Identification Card. The participant will be ineligible to retest or obtain the Identification Card for a minimum period of one (1) year. The participant will be ineligible for work for a minimum period of one (1) year from the date the violation is reported to the union and/or contractor. The participant may apply for reinstatement to the Drug Policy Committee after one (1) year. If the participant is reinstated, he/she is subject to unannounced Follow-Up testing for a minimum of one (1) year. Any

subsequent positive tests will be treated the same as a third positive test.

- d. The participant will be directed to contact the EAP for evaluation and recommendations for assistance. The EAP can be reached at 1-800-745-4838, ext. 2. It is in the participant's best interest to contact EAP immediately after learning of the violation. If there is any delay, there is a greater chance that the participant may be delayed in being able to return to work in a timely manner.
 - e. Before becoming eligible to work, the participant must complete an evaluation with the EAP, complete and/or continue to follow the treatment prescribed by the EAP, and obtain from the EAP a written report of compliance with the EAP's recommendations for assistance, which will be sent to Indiana Testing, Inc. (ITI) and will include a statement as to the participant's completion of EAP recommendations or the participant's required involvement in ongoing EAP recommendations as well as the recommended timing of the Return to Work test.
 - f. The participant must also submit to a return to work test, as described in this policy, and is subject to unannounced follow-up testing as recommended by the EAP, and as described in this policy.
 - g. The costs of the education/treatment described above are to be borne by the EAP program or the participant. Starting with the third violation the participant is responsible for all costs associated with the EAP program.
 - h. If the participant is currently in a JATC sponsored apprenticeship program, additional sanctions/consequences may apply, up to and including discharge. Please refer to JATC policies for further guidance.
2. Participants whose test results show an alcohol concentration of at least 0.04 shall be deemed as testing positive and shall be discharged pursuant to the Sanctions/Consequences (F. Sanctions/Consequences, 1. Positive test results: a through g). Participants whose test results show an alcohol concentration 0.02 or greater but less than 0.04 shall be removed from the worksite for twenty-four (24) hours or until their next scheduled work shift, whichever is longer.
 3. A diluted specimen result will require a retest. The Substance Abuse Policy Coordinator will report the dilute to the designated contractor and/or union representative in the event that the MRO assistant is unable to reach the participant to go over the following information. A participant providing a diluted specimen shall be given the opportunity to retest the following day after notification. The participant should refrain from consumption of fluids after 9:00 p.m. the night before recollection. The participant should limit fluid intake to a minimum the day of and up to collection time. If the participant cannot attend the retest the following day, the participant must receive approval from the Substance Abuse Policy Coordinator to retest at a later date. A second diluted test without a medical reason carries the same consequences as testing positive. The Substance Abuse Policy Coordinator can at their discretion reject the explanation. If the two parties cannot agree, the Drug Policy Committee may consider the matter further.

4. Participants who switch, tamper, or attempt to switch or tamper with any screening test or sample will be discharged and the Identification Card revoked. This would include an event where a collector discovers a prosthetic or other device designed to carry "clean" urine and urine substitutes on the participant in the course of conducting a urine collection for drug testing. The result will be considered a refusal to test, having the same consequences as a positive drug test.
5. Participants who refuse to submit to a drug or alcohol test as required by this policy or to execute any relevant documentation such as consent or release of information forms are subject to discharge and revocation of the Identification Card. The result will be considered a refusal to test, having the same consequences as a positive drug test.
6. Any participant who is convicted of, or pleads guilty to, a drug or alcohol related offense that occurred in the workplace will be discharged. The result will be treated as a positive drug test, having the same consequences as a positive drug test.
7. Any participant who is convicted of, or pleads guilty to, an alcohol or drug related offense that occurred outside the workplace may be discharged if driving is part of the participant's duties and responsibilities. The result will be treated as a positive drug test, having the same consequences as a positive drug test. If the participant is in his own vehicle and on his own time, it will not be treated as a positive.

G. CONFIDENTIALITY

Test results will be disclosed only to those management participants and union representatives with a "need to know."

Any information related to a participant's drug or alcohol test results will otherwise be disclosed only if:

- (1) The participant gives written permission to release the information;
- (2) The information is released as evidence in an arbitration hearing, administrative proceeding, or legal action;
- (3) The information is released as part of a governmental investigation; or
- (4) Required by law, as follows:
 - i. Lawsuits (e.g. wrongful discharge action)
 - ii. Grievances (e.g. an arbitration concerning disciplinary action taken by the employer)
 - iii. Administrative proceedings (e.g. an unemployment compensation hearing)
 - iv. Criminal or civil actions – to the decision maker in the proceeding (e.g. the court in the lawsuit)

All records and information regarding the personnel actions taken with respect to participants with verified positive test results will be maintained in a confidential file with the employer and/or the local union.

H. DUTY TO COOPERATE

As a condition of employment, participants are expected to abide by the terms of this policy. To enforce this policy, a contractor may, from time to time, as part of an investigation, inspect personal property and all contractor property and equipment. This does not include a participant's personal vehicle.

Participants have an obligation to respond to the Substance Abuse Policy Coordinator or their union hall if either is attempting to reach the participant within three (3) business days regarding this program. Failure to respond within three (3) business days could result in an Invalid card status for the participant or a refusal to test to be recorded for the participant depending on the circumstances. A participant's failure to cooperate with action to investigate and enforce this policy will subject the participant to discharge.

I. AMENDMENTS TO POLICY

The governing body of this Policy and Program is the Drug Testing Policy Committee, which is comprised of an equal number of labor and management representatives. This body may institute negotiated changes to the policy outside the scope of any general collective bargaining negotiations. This body will generally follow the DOT guidelines when periodically modifying preliminary cut off and confirmation levels and adding new drugs.

J. DISPUTE RESOLUTION

The following procedures shall be used to resolve all disputes relating to the administration of this Drug Policy:

Any dispute or disagreement concerning the application or interpretation of this Agreement shall be referred to the Drug Testing Policy Committee (The Committee) for resolution. As set forth in Article I, The Committee shall consist of an equal number of labor and management representatives. The Committee has full discretionary authority to interpret and administer all provisions of this Drug Policy.

All disputes or requests for review must be set forth in writing and submitted via mail or email by a representative of the Local Union of the Complainant to The Committee in accordance with the time constraints of the grievance and arbitration provisions of the Complainant's collective bargaining agreement. The Drug Testing Policy Committee can waive the timeframe requirements of this section upon good cause shown by the Complainant.

The Committee shall generally hear and decide all timely requests for review within three (3) business days of receipt of the request, unless extended by The Committee for cause. If an extension is necessary, The Committee will notify the parties in writing of the extension.

All decisions of The Committee shall be accomplished only by a majority vote at a meeting at which a quorum is present. A quorum of The Committee shall consist of two (2) labor members and two (2) management members. The labor and management representatives shall have an equal number of votes, regardless of the number of committee members

actually present at a meeting. In person hearings are not required. Decisions can be made upon review by The Committee of the evidence submitted and meetings may be conducted over the phone or via computer.

Once a decision has been reached by The Committee, the parties will be notified of the decision as soon as possible, but generally not later than three (3) business days after the decision has been reached. In the event of a deadlock of any issue, the dispute shall be referred as a grievance under the procedures set forth in the complainant's collective bargaining agreement. The Committee shall endeavor to answer any questions related to Drug Policy disputes for which no deadlock exists.

Notwithstanding the provisions of this Article I, all individuals subject to this policy shall continue to have access to the usual protections provided as part of their union membership and/or as members of the bargaining units covered by a collective bargaining agreement, including the usual grievance and arbitration provisions of the individual's collective bargaining agreement. Any timeframes set forth in a local grievance procedure may be tolled and/or a grievance stayed while a dispute is pending before The Committee.

K. DEFINITIONS

TO ENSURE COMMON UNDERSTANDING OF TERMS, THE FOLLOWING DEFINITIONS SHOULD BE CONSISTENTLY USED:

Accredited Laboratory (SAMHSA): A federally certified laboratory approved by the Department of Health and Human Services (DHHS) for testing of prohibited items and substances.

Accident/Incident: An accident is an event that occurs while a participant is on working time or conducting a contractor's business, whether on or off a job site, when that event results in (1) death, (2) bodily injury to a person who receives medical treatment away from the scene of the accident, or (3) property damage. This will include any serious near miss accidents.

Adulterated specimen: Tampering with a test sample by the substitution or addition of other ingredients to mask the presence or use of illegal drugs, resulting in a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content): the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (BrAC).

Alcohol screening device (ASD): A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol screening test: An analytic procedure to determine whether an participant may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Annual Testing: Each participant's obligation to be tested at least every 12 months.

Breath Alcohol Technician (BAT) is an individual who is certified as trained to operate an Evidential Breath Testing device (EBT) and who is proficient in breath-testing procedures.

Collection site: A designated place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances, or for purposes of providing a saliva or breath sample to be analyzed for alcohol concentration.

Confirmation Test: A second test performed by a SAMHSA – certified laboratory, on the same sample used for the screen test, which uses the more complex methodology of GC/MS (Gas Chromatography/Mass Spectrometry) or other approved method, that is more precise for the purposes of confirming or refuting screen test results.

Contractor: An employer employing anyone working under an associated collective bargaining agreement.

Controlled substances: Includes all illegal drugs as listed in this policy and per the Department of Transportation (DOT) limits (including controlled substances, look alike drugs and designer drugs), prescription drugs used by one for whom they were not prescribed, overuse of prescription drugs prescribed for the user, drug paraphernalia, and alcoholic beverages in the personal possession of or being used by an participant on the premises, or while assigned to work off premises.

DHHS-approved laboratory: A laboratory that is certified under the U.S. Department of Health and Human Services Mandatory Guidelines for federal workplace drug testing programs.

Diluted specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drug test: A test conducted for controlled substances.

Follow-Up Testing: For a maximum of twelve (12) months after a participant returns to work from a positive test result and/or counseling/rehabilitation/treatment, the participant will be subject to not more than four (4) unannounced follow-up tests. The Substance Abuse Policy Coordinator will schedule any unannounced tests under this policy. The Substance Abuse Policy Coordinator will send the participant notice of such unannounced tests by mail. The participant must take the test within twenty-four (24) hours after receiving notice; if not the participant will be considered to have failed the test.

Initial test: (for drugs) An immunoassay screen to eliminate “negative” urine specimens from further consideration.

Medical Review Officer: A licensed physician responsible for receiving laboratory results generated by a substance abuse testing program, who has knowledge of substance abuse disorders, and who has received appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant biomedical information.

Negative Test: A negative test is obtained if: (1) the screen test indicated the absence of legal or illegal substance in excess of the screen limit; or, (2) the screen test indicates the presence of legal or illegal substances in excess of the screen limit but the confirming test indicates the absence of legal or illegal substance in excess of the confirmation limits; or, (3) the screen test and confirmation test indicated the presence of a legal or illegal substance(s) in excess of the limits but the donor had a valid medical reason for the substance being detected in the specimen.

Non-Bargaining Unit Personnel: Includes all Union office employees either full or part-time including, but not limited to Business Managers, Assistant Business Managers, Business Agents, Field Representatives, Fulltime Financial Secretaries, etc. secretaries, clerks, receptionists, etc., and all office or shop employees of the Signatory Employer directly involved in the piping industry at all locations of shops and or offices, within the local jurisdictions noted earlier, either full or part-time, including but not limited to: office managers, clerks, salespersons, staff, shop hands, including truck drivers, superintendents, and others, whether or not such employee visits job sites. If participation is required by the employer, the employee shall be bound by all terms and conditions of this Alcohol and Drug Policy including all rehabilitation and discipline articles and sections.

Non-Negative Test: The initial test result is at or above the specified cutoff levels and will require further review by the MRO to determine the cause of the result. An MRO Adjudicated result will follow.

Participant: Anyone working under an associated collective bargaining agreement. All Non-Bargaining Unit Personnel.

Positive Test (alcohol): A positive alcohol test is obtained when a participant's confirmatory test result reads 0.04% BAC or higher.

Positive Test (drug): A positive drug test is obtained when a participant's confirmatory test or retest result is at or above cutoff levels listed in this policy, as verified by the MRO to be a positive test.

Probable Cause/Reasonable Cause: Probable Cause/Reasonable Cause testing may be based upon such things as: (a.) Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the participant, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs; (b.) A pattern of abnormal or erratic behavior as evidenced by the participant's work time actions, appearance, or conduct; (c.) Arrest for drug-related offense while at the worksite or in company vehicle; (d.) Newly discovered evidence that the participant has tampered with a prior drug test.

Random Testing: An unannounced, unscheduled drug and/or alcohol test, pursuant to an objective method for random selection of participants to be tested. The selection must be truly random without discrimination or arbitrary selection.

Refusal to Test: It is considered a refusal to test if the participant adulterated and/or substituted or refused to provide a urine specimen, or if the participant failed to appear for testing within a reasonable time, or to remain at the testing site until testing process is complete, or if the participant failed to provide a sufficient amount of urine without a medical reason, and/or failed to undergo an MRO directed medical evaluation for such a reason. Failure to cooperate with any part of the testing process, including the use of abusive language or behaving in a threatening manner, or behaving in a confrontational way that disrupts the testing procedure, or refusing to permit a direct observation collection

when required by the policy, shall also be considered a refusal to test. It will also be considered a refusal if a participant is wearing a prosthetic device or possesses any other device, container, etc. that could be used to interfere with the collection process or if the participant admits to the collector or MRO that they adulterated or substituted their specimen. A refusal to test will be treated as a positive test.

Return to Work Test: Any participant returning to work after an absence of any duration for a positive test result and/or counseling/rehabilitation/treatment purposes must satisfactorily pass a drug screen to be eligible to work.

Substance Abuse Professional (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, a licensed or certified employee assistance professional, state licensed or certified marriage and family therapist, or alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRC) or by the National Board of Certified Counselors (NBCC), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Attachment I

Letter of Notice for Random Testing

Date: (Example: April 8, 2016)

Re: Testing Procedure for MCAI/Indiana State Pipe Trades (ISPTA) Identification Card

Dear _____:

Your name has been randomly picked by MCAI/ISPTA computer generated selection program to take a drug test as soon as possible in order to update your MCAI/ISPTA identification card. Our computer program selects the names of five percent (5%) of all participant cardholders for update each month. We want to re-emphasize that your selection for a test is purely a random one. You will be taking the same test, which you initially took when you received your MCAI/ISPTA card.

In order to avoid any potential interruption in the status of your card, you must be tested by **(Example date: April 15, 2016)**. Tests are to be taken on your own time at any one of the facilities identified on the attached list. You will be mailed a \$35.00 MCAI/ISPTA expense reimbursement check if your test is negative/valid. Reimbursement checks will be void after 60 days from the date of the check.

All MCAI/ISPTA participants who are working may have their MCAI/ISPTA card verified with the database administrator in order to determine if their card is “valid” or “not valid” under MCAI/ISPTA Program. This procedure will protect everyone’s confidentiality.

Please remember that if you fail to take the test by the date listed above, the result may be treated as a positive test.

****Please be aware of the closing time of the collection facility you choose to report to for your random test. If you start the testing process, you will be expected to finish the process (by providing a sufficient urine specimen) within 2 hours OR by the time the facility closes, which ever is sooner. If you fail to finish the process, it will be considered a refusal to test which has the same consequences as a positive test result. Collection site hours are subject to change without notice – please call site to verify BEFORE going.**

Sincerely,
Substance Abuse Policy Coordinator
Indiana Testing, Inc.

PS: **Remember it is your responsibility to keep the MCAI/Indiana State Pipe Trades and the Substance Abuse Policy Coordinator (800-295-2587) MCAI/ISPTA drug and alcohol team informed of any change in your address or telephone number.**

PPS: Also remember the MCAI/Indiana State Pipe Trades offers a fully independent, professional Participant Assistance Program (EAP) for you and your family. The EAP’s 24 hours, 7 day a week hotline number for the local area is 317/962-8001 or toll-free 800/745-4838, ext. 2.

ATTACHMENT II

MCAI/INDIANA STATE PIPE TRADES APPLICANT/CARDHOLDER DRUG TEST INFORMATION AND INSTRUCTION SHEET

MCAI/Indiana State Pipe Trades is exercising extreme care to insure that strict quality control measures are followed in the collection, handling, and analysis of your urine specimen. You play an important role in this process and should be certain that you have provided an unadulterated urine specimen to the laboratory. Remember, you are certifying that the urine specimen, which you provide is yours and is unadulterated. Any adulteration or switching of urine is a breach of MCAI/Indiana State Pipe Trades rules and, if you are employed, may subject you to discipline up to and including termination by your employer.

For your own protection and peace of mind, we ask that you:

- provide a picture identification to the collection site/technician at time of arrival;
- be escorted to a collection room and asked to provide an unadulterated urine specimen in the collection container provided. The container should be filled to 45ml;
- return the specimen container to the collector and witness the collector pour your specimen into specimen bottles;
- initial and date the integrity seals placed on your specimen bottles;
- verify the proper spelling of your name as recorded on the chain of custody;
- verify that your social security number (or other identification number) has been properly recorded;
- verify that the identification number placed on your specimen bottle is the same as that recorded on the chain-of-custody form.

If you provide an unacceptable specimen (ex. temperature of specimen that falls outside of the acceptable range (90-100 degrees Fahrenheit)), the collector will inform you that they cannot accept the specimen and the specimen will be discarded. You will be required to provide another specimen under direct observation by the same gender. The observer will direct you to raise and lower clothing in order to conduct the direct observed collection properly in accordance with DOT guidelines. If there is not a same gender person to perform the observation, then the collection will occur unobserved. You must remain at the collection site until a valid specimen is provided or else a refusal to test may result.

If you are unable to provide a specimen on your initial attempt, you will be allowed up to two (2) hours to provide a specimen. You may drink up to 40 ounces of fluids. You will not be allowed to leave the collection site until you provide a valid specimen. If you leave the collection site without providing a valid specimen, it could be deemed a refusal to test which has the same consequences as a positive test result.

For alcohol testing:

- If an initial (screening) breath alcohol test result has an alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test
- In the event the confirmation test indicates a BAC of .020 to .039, you shall be removed from the worksite for twenty- four (24) hours or until your next scheduled work shift, whichever is longer. Any confirmation test with a result of a BAC of .04 or greater is considered to be positive and will require the immediate removal from the worksite. The consequences for a positive alcohol test are outlined in the Sanctions/Consequences section of this policy. All alcohol tests shall be performed only while you are considered on duty.

ATTACHMENT III

Attachment IV

CARD STATUS CONFIRMATION PROCEDURE

STATUS CONFIRMATION

Participating contractors will verify the status of all MCAI/Indiana State Pipe Trades participants, who are working, in order to determine if the participant has a valid card under the MCAI/Indiana State Pipe Trades program. All participating contractors are encouraged to verify the status of all MCAI/Indiana State Pipe Trades participants on a weekly basis.

When a participant's status is "Not Valid", he/she will be advised to contact the Substance Abuse Policy Coordinator's office to resolve the Not Valid status. The individual may be required to repeat the initial test procedure for non-compliance with the random test requirements or follow the protocol for a positive test within the MCAI/Indiana State Pipe Trades Policy.

This procedure will protect the participant's confidentiality and allow the employer to audit the status of his participants which may be required by the owner to be submitted monthly.

Card status can be verified through the Construction Safesite system, www.constructionsafesite.org.

CARD MANAGER

Each MCAI/Indiana State Pipe Trades participating employer will designate a person as card manager who will be able to access data information by phone, fax, email or a secure website which will confirm the status of participant's card for:

1. Not On File
2. Not Valid
3. Valid

The card manager shall maintain the strictest confidentiality of the MCAI/Indiana State Pipe Trades membership. When a member is not in possession of his/her MCAI/Indiana State Pipe Trades identification card, the Card Manager may request to use the member's Social Security Number to secure the participant's status. The Card Manager shall receive permission from the individual through written consent, which is kept on file and good for that date only to use the Social Security Number and shall obtain a photo I.D. confirming the identity of the individual to the Social Security Number and make a copy of same to be maintained with said record.

REFERRAL

A MCAI/Indiana State Pipe Trades participant must have a "Valid" status before being referred to work by his/her union.

Edward J. White, Inc.

Plumbing • Heating • Air Conditioning • Boilers
Commercial • Residential • Industrial



Attachment ix – Project Experience

The following is a list of projects of similar size and scope performed locally over the last three years:

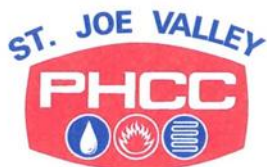
- Ivy Tech (South Bend) – Dental Lab Expansion
- Ivy Tech (South Bend) – IT Room Rooftop Unit Installation
- St. Joseph County Public Library (Western Avenue Branch) – Addition & Renovation
- St. Joseph County Public Library (LaSalle Branch) – Addition & Renovation
- University of Notre Dame – Biolchini Hall Renovation
- Morris Performing Arts – Raclin Murphy Encore Center
- Camp Millhouse – Cabin Renovations
- St. Joseph County Highway Department – New Granger Storage Building
- Wakarusa Water Treatment Plant – New Facility

Please contact our office with any questions.

Respectfully submitted;

Edward J. White, Inc.

Jeffrey M. Bucher, Jr.
Vice-President



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