

USE OF PUBLIC PROPERTY/RIGHT-OF-WAY

Sec. 1 PERMIT REQUIRED. No person, entity, contractor or subcontractor may perform any work on municipal property or within a municipal controlled public right of way without obtaining a permit from the department.

Sec. 2 MINIMUM STANDARDS AND AFFIDAVIT OF COMPLIANCE. Before a permit may be issued by the department to perform any work on or use municipal property or a municipal-controlled public right of way, all contractors and subcontractors performing work under the permit must file an affidavit providing the following:

(1) proof of authorization or registration to transact business in the state by the Department of Financial Institutions in compliance with chs. 178, 179, 180, 181, or 183;

(2) a representation and warranty that the entity is not, at the time of submission of the permit application, debarred by any federal or state agency;

(3) a representation and warranty that the entity is familiar with, and agrees to follow, Wisconsin's one call requirements, Wis. Stat. § 182.0175, for the project, maintains a safety program, has not been in OSHA's severe violator enforcement program in the previous two years, and whatever additional information the department may require to ensure that the entity will safely perform the work; and

(4) a copy of the written plan meeting the requirements of Wis. Stat. § 103.503(3) and a representation and warranty that the entity is in compliance with the testing requirements set forth in Wis. Stat. § 103.503(3)(a)2.

A contractor or subcontractor failing to provide the required affidavit, or failing to meet the affidavit criteria, shall not be allowed to excavate within, or place any facilities within, over or on, any municipal property or municipal-controlled right-of-way.

AFFIDAVIT OF COMPLIANCE

_____ ("Affiant"), as a contractor or subcontractor on a project that requires work on municipal property or within a municipal controlled public right of way swears, under oath and penalty of perjury, as follows:

1. Affiant's permanent place of business is located at _____.

2. Affiant is authorized or registered to transact business in the state by the Department of Financial Institutions in compliance with Wis. Stat. chs. 178, 179, 180, 181, or 183.

3. Neither the Affiant, nor or agent, partner, employee or officer of the Affiant, is debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.

4. Affiant has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503. As required by Wis. Stat. § 103.503, all employees are subject to drug and alcohol testing before commencing work on the project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the project. A true and correct copy of the written substance abuse prevention program is attached hereto.

5. Affiant represents and warrants that all employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.

6. Affiant possesses all applicable professional and trade licenses required for performing the project.

7. Affiant has, and diligently maintains, a written safety program and its employees have adequate training to perform the project.

8. Affiant is familiar with, and agrees to follow, Wisconsin's one call requirements, Wis. Stat. § 182.0175, for the project.

9. Affiant was not placed in OSHA's severe violator enforcement program in the previous two years.

10. The person signing below has the authority to sign on behalf of, and bind, the Affiant.

11. Affiant understands that failing to submit the required affidavit, or providing incorrect, false, or misleading information, shall automatically disqualify the Affiant from performing work on municipal property or within a municipal controlled public right of way.

Name: _____
Title: _____