

Beaufort EMS Inc.
POLICY FOR PREQUALIFICATION OF BIDDERS
FOR CONSTRUCTION PROJECTS

A. PURPOSE

1. The purpose of this policy is to define a prequalification process that complies with the requirements of NCGS §143-135.8, which allows prequalification of bidders for a particular construction and repair project. The policy is to impartially and objectively evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it meets the minimum qualifications to bid on a construction project. The award of contracts shall be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful and safe performance of public contracts.

This policy is only applicable to specific construction projects as follows:

- a) Single-prime, separate-prime, or dual-bidding methods as defined in NCGS §143-128(a)(1) through 143-128(a)(3).
 - b) First tier sub-contractors for Construction Manager at Risk contracts as defined in NCGS §143-128.1.
2. Prequalification may not be used for the selection of any qualification-based services, such as architectural engineering, surveying, design-build services and the selection of a CM at Risk, under Article 3D of Chapter 143 of the North Carolina General Statutes.
 3. Notwithstanding the fact that a contractor was prequalified to bid on a specific project, the Owner reserves the right to reject a contractor's bid on that same project if it is determined that the contractor has not submitted the lowest responsible and responsive bid.
 - a) The prequalification of the contractor shall not preclude the Owner from subsequently concluding that the contractor is not a responsible bidder pursuant to NCGS §143-129.
 - b) All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.
 - c) The prequalification of a contractor for a project shall only apply to the individual project.
 - d) A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification, for which it has not been deemed prequalified in accordance with this policy.

B. DEFINITIONS

1. **Project Manager:** An employee or consultant responsible for the administration of a construction or repair project who is assigned the responsibility for managing the project and representing the department in matters relating to the project and tasked with the responsibilities of developing assessment criteria and assessment tool consistent with this policy.
2. **Construction Manager at Risk:** A person, corporation, or entity that provides construction management at risk services. May also be referred to as Construction Manager.
3. **Prequalification:** A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work.
4. **Purchasing Manager:** Person in the Finance Department responsible for the overall conduct and oversight of all procurement activities of the County. This person shall oversee the appeal process.
5. **Purchasing Manager Designee:** A person designated by the Purchasing Manager, to attend all prequalification meetings for the sole purpose of ensuring procedural compliance with this policy.
6. **Prequalification Committee:** A committee established by the Project Manager and/or the Construction Manager at Risk for each project, and tasked with the responsibility of evaluating applications for prequalification.

C. PREQUALIFICATION PROCESS

1. The process for prequalification shall begin with an advertisement from the Owner requesting qualifications. Such notice shall be posted on Carteret County's bid page and the Architect's website. This notice shall be posted a minimum of 7 full days.
2. Prior to advertising, the Project Manager shall develop an objective assessment application form as follows:
 - a. The application form shall be uniform, consistent, and transparent in its application to all bidders.
 - b. Firms shall not be required to have been previously awarded a construction or repair project by the Owner.
 - c. At a minimum, the criteria listed in Section D shall be included in the submittal.
 - d. A minimum score of 15 is required for prequalification however failure to meet mandatory experience requirements, minimum insurance requirements or minimum license requirements shall result in an automatic disqualification.

3. Construction Manager at Risk projects shall use the process outlined in this policy for the selection of their first tier subcontractors. The Construction Manager at Risk and Project Manager shall jointly develop the assessment application form and assessment tool.
4. The Project Manager shall ensure that applications prepared for the project comply with this Policy and State law. The application is to be established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid.
5. All Pre-Qualifications are to be sent to the Architect via email Lee@coastalarchitecture.net by the deadline established in the Advertisement For Bids.

D. CRITERIA OF THE APPLICATION

The application shall, at a minimum, address the following criteria:

I. *Organizational Structure: (1 point)*

- a. The firm shall provide all names under which it does business, describe how the company is organized, the date of organization and if incorporated, the state of incorporation.
 - b. Firms that are a partnership must describe the partnership details and if a Joint Venture (JV) provide a copy of the JV agreement.
 - c. Firms must also provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form.
 - d. The Firm shall also state the location of the office that will be primarily responsible for administering the work associated with the project for which this prequalification is requested.
 - e. Firms experiencing changes in ownership, affiliation, organizational structure, or material changes in assets must inform the Project Manager in writing prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the Owner.
 - f. The firm shall also state how long it has been in business in its current organizational structure, whether the firm itself or any of its owners, officers, partners or individuals authorized to represent, conduct business or sign legal documents for the form or any other firm or legal entity have been debarred, suspended, or otherwise prohibited from receiving federal, state, or local funds within the five years preceding the date of the Notice of Prequalification.
2. **Classification(1 point)** The firm shall be required to provide proof that it has a North Carolina General Contractor's License and any other professional license(s) required to perform on the contract.

(mandatory qualification requirement)

3. **Experience: (10 points)**
 - a. The firm shall furnish a history documenting experience with projects of similar size, scope, or complexity involving the type(s) of work for which prequalification is requested. . Similar past experience in Public Safety Projects is mandatory.
4. **Financial (2 points)**
 - a. Firms will be required to submit one to three years of audited financial statements to demonstrate their ability to meet the required financial obligations in the performance of the contract. Firms that do not have audited financial statements will be required to submit copies of their filed Federal Income Tax Returns for the same period or their balance sheet and income statement on company letterhead for the same period.
5. **Insurance: (1 point)** Evidence that the company can provide the required insurance coverage. (mandatory qualification requirement.)
6. **Litigation/Claims (2 points)**
 - a. The firm will be required to submit information regarding its litigation and claims history, including litigation with owners and subcontractors.
 - b. Minimum thresholds will be set for each contract for the amount of claims or the potential liability of unresolved lawsuits that the firm may have outstanding within the previous three years.
7. **Timeliness: (2 points)**
 - a. Firms must provide a history of one to five years of all similar projects and whether they performed each project on time, and if not, specific information on how late they were completing each project, and the amount of liquidated damages paid, if any.
8. **Safety:(1point)** Firms shall also demonstrate an acceptable safety history as follows:
 - a. Depending upon the nature of the work and the size and complexity of the project, firms will be required to submit one to five years of their safety record, safety training programs, and safety awards earned.
 - b. Firms must provide an affidavit summarizing any complaints, safety violations or reports from the North Carolina Code Officials Qualifications Board, OSHA, or any other regulating agency associated with any construction project within the period of time covered by the safety record.

E. REVIEW OF APPLICATION

1. Review of Applications:

- a. A Prequalification Committee will review each timely received

prequalification application to determine whether the required documents are submitted with the application and whether the firm's responses meet all of the minimum thresholds for the criteria set out in the Prequalification Notice.

- b. A firm must submit all of the required documents and meet all of the minimum thresholds for each criterion published in the Prequalification Notice to be prequalified to bid on the project.
- c. A firm that does not submit all of the required documents or fails to meet all of the minimum thresholds for each criterion in the Prequalification Notice will not be prequalified to bid on the project.
- d. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

2. Notice of Decision:

- a. The firms shall be promptly notified in writing of the Prequalification Committee's decision via e-mail.
- b. The notification to a firm determined not to be prequalified shall include the reason(s) for denial.
- c. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to protest the denial of prequalification, and if the denial is reversed, sufficient time for the firm to prepare a bid.

F. PROTEST PROCEDURE

1. Initial Protest: A firm may protest the denial of prequalification as follows:

- a. A written protest must be received by the Architect within two business days of notice of denial. The written protest shall clearly identify the project and the Project Agent, clearly articulate the reasons for the protest, and attach any documents or additional information in support of the firm's position.
- b. The Architect will contact the firm and set up a date and time to discuss the protest.
- c. If upon review, the Architect determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Architect upholds the denial, the firm shall be notified in writing by e-mail.

2. Appeal: If the firm desires further review after receiving the decision of the Purchasing Agent, the firm may request an administrative review and final decision by the Board of Directors/designee as follows:

- a. A written request for administrative review must be received by the Board of Directors/designee within two business days from the

firm's receipt of the decision from the Architect.

- b. The request for administrative review shall clearly identify the project and the Project Agent, clearly articulate the reason(s) for the review, and attach any documents or additional information in support of the firm's position.
- c. The Board of Directors/designee will contact the firm and set up a date and time for the administrative review. If, upon review, the Board of Directors/designee determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Board of Directors/designee upholds the denial, the firm shall be notified by e-mail. This decision shall be final.

3. **General Rules for Protest:** Firms submitting applications shall be provided an e-mail address for communication with the Architect during the protest process; and

- a. The firm shall provide at least two e-mail addresses for use by the Architect in communicating with the firm.
- b. The bid opening cannot occur until the protest process is completed.
- c. The bid opening must be scheduled in order to allow sufficient time for a bidder that is prequalified as a result of a protest to submit a bid on that project.