



REQUEST FOR BOARD ACTION

ITEM NO. 14.

DATE OF MEETING: September 2, 2014

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution Approving a Pender County Contractor Prequalification Policy and a Project Specific Contractor Prequalification Application for Pender County Utilities Wastewater Treatment Plant – Phase 2.

BACKGROUND: The General Assembly of North Carolina recently ratified HB 1043, more particularly described as “an act to clarify the statues related to the use of prequalification in public construction contracting” which becomes law Oct. 1, 2014, and applies to contracts awarded on or after this date. Specifics of the bill require two levels of approval by the board:

1. The board shall adopt an objective prequalification policy applicable to all construction or repair work for which the governmental entity intends to prequalify bidders and;
2. The board shall adopt the assessment tool and criteria for that specific project.

Pender County Utilities (PCU) intends to prequalify contractors for Phase 2 of the wastewater treatment plant and award a contract after Oct. 1, 2014. In recognition of this construction timeline PCU has responded to HB 1043 with development of a Pender County Prequalification Policy and development of a Project Specific Contractor Prequalification Application for Pender County Utilities Wastewater Treatment Plant – Phase 2.

SPECIFIC ACTION REQUESTED: To consider a resolution authorizing approval of the Pender County Contractor Prequalification Policy and of the Project Specific Contractor Prequalification Application for Pender County Utilities Wastewater Treatment Plant – Phase 2.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

DM
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby authorizes approval of the Pender County Contractor Prequalification Policy and the Project Specific Contractor Prequalification Application for Pender County Utilities Wastewater Treatment Plant – Phase 2.

The Chairman/County Manager is authorized to execute any document necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ McCoy ___ Brown ___ Tate ___ Ward ___

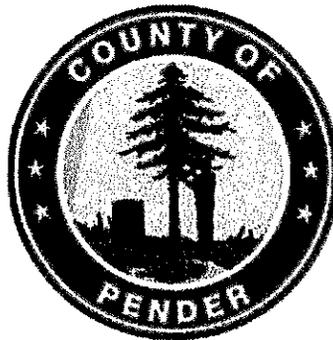
David Williams, Jr. Chairman 09/02/14
Date

ATTEST 09/02/14
Date

Pender County Contractor Prequalification Policy

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Pender County
805 S. Walker St
PO Box 5
Burgaw, NC 28425
910-259-1200

Section I

Purpose and Background

Pender County, North Carolina is establishing a Contractor Prequalification Policy in accordance with **SESSION LAW 2014-42, HOUSE BILL 1043**. In accordance with this bill the governing body of the governmental entity shall adopt an objective prequalification policy applicable to all construction or repair work prior to the advertisement of the contract for which the governmental entity intends to prequalify bidders. This pertains only to projects for which Pender County intends to prequalify bidders. Pender County does not intend to prequalify contractors for each and every project. The Contractor Prequalification Policy is intended to be general in nature and will be separate from a required Project Specific Contractor Prequalification Application.

Section II

Contractor Prequalification Evaluation Criteria

Pender County shall evaluate the General Contractor Prequalification Application and determine whether the applicant is prequalified to bid on the project based on the information contained in the application, on any supplemental information acquired by Pender County from the applicant, or any other relevant information known to Pender County.

In order to be considered for a General Contractor Prequalification, the applicant must meet and/or supply the following:

- a. The contractor must meet the requirements of Chapter 87 of the General Statutes of North Carolina (North Carolina Licensing Requirements) applicable for the contract for which it is seeking prequalification.
- b. The contractor must have satisfactorily completed three projects of similar size and complexity for which the project is bid pertains to.
- c. Provide previous relevant project performance including schedule compliance, quality of completed work, and overall project coordination.
- d. Provide relevant project personnel qualifications and experience.
- e. Provide relevant project references.
- f. Provide proof of bonding capacity.
- g. Provide financial data for three years prior to the project which is bid.
- h. Provide the following safety performance; Experience Modification Rate (EMR), OSHA DART rate (Days Away, Restrictions or Transfers) for the three current years, OSHA citations for five years prior to the project which is bid, company's safety/drug/training policies.
- i. Provide claims, final resolutions, and judgments for five years prior to which the project is bid.
- j. Provide failure to complete information for applicant, partner, and/or officer.
- k. Provide demonstrated practice of encouraging participation of Minority Business firms.

Section III

Contractor Prequalification Assessment Criteria

Pender County shall assess the contractor's General prequalification application based on both a Non-Point Rating and a Point Rating system. The Point-Rated Items will include a weighted composite which contributes to the total within that category. This point system will provide an objective evaluation of the contractor's ability to provide professional services for a specific project. The point ratings and categories are listed below:

A. NON-POINT RATING ITEMS

<u>CATEGORY</u>	<u>SATISFACTORY</u>	<u>UNSATISFACTORY</u>
1. Responsiveness to RFQ	_____	_____
2. Debarment Status	_____	_____
3. Contractor's License (ability to acquire)	_____	_____
4. Bonding Capacity/Statement	_____	_____
5. Minimum Project Experience	_____	_____

B. POINT-RATING ITEMS

	<u>WEIGHT</u>	X	<u>GRADE</u>	=	<u>TOTAL</u>
1. Project Performance	4		0 1 2 3 4 5		_____
2. Personnel Qualifications/Experience	3		0 1 2 3 4 5		_____
3. References					
a. Designers/Construction Managers	4		0 1 2 3 4 5		_____
b. Owners					
(1) Adherence to Schedule	3		0 1 2 3 4 5		_____
(2) Quality of Completed Work	4		0 1 2 3 4 5		_____
(3) Overall (cooperation/coordination)	3		0 1 2 3 4 5		_____
4. Financial Data	4		0 1 2 3 4 5		_____
5. Safety Performance	5		0 1 2 3 4 5		_____
6. Claims/Final Resolution/Judgments	4		0 1 2 3 4 5		_____
7. Failure to Complete – Applicant	4		0 1 2 3 4 5		_____
8. Failure to Complete – Partner/Officer	3		0 1 2 3 4 5		_____

GRADING SCALE

0 = Unfavorable, 1 = Questionable, 2 = Below Average, 3 = Average, 4 = Above Average, 5 = Most Favorable

The maximum possible score is 185. Scores 147 and above shall be deemed prequalified.

Section IV

Contractor Prequalification Denial Appeal Process

Pender County will notify the contractors in writing (certified/return receipt) within 60 days of close of the General Contractor Prequalification Application submittal due date as to the results of their assessment point rankings and the status of their prequalification.

A contractor will be allowed five business days following receipt of notice to file a protest regarding a prequalification denial. Contractors shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. The protest procedure constitutes the sole administrative remedy available to a contractor which did not meet the prequalification requirements.

All protests must be in writing and signed by the protesting contractor or an authorized Agent. The protest must state the grounds for the protest with specific facts and complete statements of the actions being protested. A description of the relief or corrective action being requested should also be included. All protests shall be submitted to the Pender County department which initiated the General Contractor Prequalification Application request.

Only protests stipulating an issue of fact concerning the following subjects shall be considered: a matter of bias, discrimination or conflict of interest on the part of an evaluator; errors in computing the score, and non-compliance with procedures described in the prequalification document.

Upon receipt of a protest, a protest review will be held by selective Pender County department manager/director, staff, consulting engineer(s), and trade engineer(s) germane to the project complexity. The protest review team will consider the record and all available facts and issue a decision within ten business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

The final determination of the protest shall: find the protest lacking in merit and uphold the original action; find only technical or harmless errors in the assessment process and uphold the original action; find merit in the specific protest, correct the errors and re-evaluate the assessment point scoring. If the re-evaluated scoring determines the contractor deemed prequalified the contractor will be allowed to subsequently bid on the specific project for which they are now prequalified.

Formal bids will not be received until a minimum of ten days after the protest is resolved and the protesting contractor prequalified.

**PROJECT SPECIFIC CONTRACTOR
PREQUALIFICATION APPLICATION**
for
Pender County Utilities
Wastewater Treatment Plant – Phase 2



September 3, 2014
Pender County Utilities
PO Box 995
Burgaw, NC 28425
910-259-1570

WASTEWATER TREATMENT PLANT – PHASE 2

PROJECT SPECIFIC CONTRACTOR PREQUALIFICATION APPLICATION

REQUEST FOR QUALIFICATIONS (RFQ)

Pender County Utilities is seeking prequalification applications from properly licensed, bonded, and qualified general contractors for construction of the proposed Phase 2 portion of a Wastewater Treatment Plant located at 469 Quality Way, Wilmington, North Carolina. This prequalification application will establish the bid pool and only Contractors that are prequalified under this RFQ will be approved to bid. Prequalification applications will be received at the office of the design engineers, McKim & Creed, Inc. at 243 North Front Street, Wilmington, NC 28401 until no later than 5:00 pm local, prevailing time on the 3rd of October, 2014. Opening will not be public.

This is not a solicitation for bid; however Pender County Utilities will only accept bids for this project from Contractors who are approved by Pender County Utilities as prequalified for this specific project.

The project's estimated range for construction cost is approximately \$10 million and includes, but is not limited to, a new 0.5 million gallon per day (MGD) wastewater treatment plant (WWTP) utilizing flow equalization, Moving Bed Bio-Reactors (MBBR), Fixed Film Biofilm Reactors (FBBR), tertiary treatment and disinfection, and Glasshouse. Phase 1 of the project, which is already constructed, includes the influent pump station and flow equalization basin. Phase 2 will be the remaining components of the MBBR/FBBR plant and include interface with the Phase 1 equipment, shop drawings, and technical specialists.

Construction for Phase 2 is anticipated to be bid in late 2014 and the construction period is estimated to be approximately 12 to 15 months. Funding for the project is being provided from funds from Pender County and from a combination of the following:

- Golden Leaf Foundation
- Community Development Block Grant (CDBG)
- US Economic Development Administration (EDA)
- NC Department of Commerce (Rural Center)

Bidders are advised that they must comply with the requirements of all funding agencies that may be utilized for this project.

Any prime contractor wishing to be prequalified for the work must complete an application and be approved by Pender County Utilities prior to bidding. Evaluation of the applications for prequalification shall be made by Pender County Utilities after the stated closing date and time for receipt of applications. This prequalification of prime contractors to bid on this project is applicable to this project only.

Applications for Prequalification of Bidders may be obtained from Jamie Fitzsimmons at the Wilmington office of McKim & Creed, telephone number (910) 343-1048 upon payment of \$50.00 (non-refundable) for each set of documents obtained. Neither the Owner nor the Engineer will be responsible for full or partial sets of Project Specific Contractor Prequalification Applications, including any Addendum obtained from any other source.

GENERAL INFORMATION

The Pender County Utilities Wastewater Treatment Plant is located at 469 Quality Way, Wilmington, North Carolina within Pender Commerce Park on US HWY 421 and is briefly described in the Solicitation. The successful bidder will be required to furnish all labor, materials, equipment, tools, services and incidentals to complete the Work in accordance with the Specifications and Drawings.

Pender County Utilities shall not be responsible for any cost incurred by applicants because of participation in this prequalification process. Each applicant shall bear its own expense in connection with the preparation and submission of materials and the provision of any supplemental information requested. Pender County Utilities shall have no liability for cost incurred by applicants in connection with the review and evaluation of prequalification materials and any findings and determinations made therefrom. This is not a solicitation for bid. All materials and information submitted during the prequalification process will become the property of Pender County Utilities and will not be returned to the applicant.

The decision to prequalify an applicant shall not constitute a determination that the applicant is responsible, and such applicant may be subsequently rejected as non-responsible on the basis of subsequently discovered information.

Bidders are advised that funding for this project may require outreach to Disadvantaged Business Enterprises (DBE) and compliance with Davis-Bacon Act payroll requirements.

ADDENDA AND INTERPRETATIONS

All requests for interpretation of the RFQ and the associated application and attachments must be made in writing to Tony Boahn, PE, McKim & Creed, 243 North Front Street, Wilmington, NC, 28401 (910-343-1048). Requests can be made by email at tboahn@mckimcreed.com. To be given consideration, such requests must be received by September 25th, 2014 at 5:00 pm EST. Any and all such interpretations and any supplemental instructions or changes will be in the form of written addenda which, if issued, will be sent to all prospective applicants at the addresses furnished for such purposes, not later than 3 days prior to the date fixed for submittal of the application. Failure of any applicant to receive any such addenda shall not relieve such applicant from any obligation under its application as submitted. All addenda so issued shall become part of the RFQ and must be signed by all applicants and returned to McKim & Creed with the application.

APPLICATION REQUIREMENTS

The applicant must complete and submit an original and three (3) copies (for a total of four sets) of the application and all associated forms and attachments, which together comprise the Project Specific Contractor Prequalification Application (referred to herein as the "application" or "submittal"). The application shall be signed where indicated and submitted in a sealed envelope to Pender County Utilities, c/o Tony Boahn, PE, McKim & Creed, 243 North Front Street, Wilmington, NC, 28401. The applicant's name and the project name (Pender County Utilities, Wastewater Treatment Plant – Phase 2) should be clearly displayed on the outside of the envelope. Timely submission is the sole responsibility of the applicant. Fax copies and responses received after the specified time will not be considered.

Responses to the RFQ must be typed or neatly printed. The information presented should be clear, complete, concise and not misleading. All attachments submitted shall be identified with the name of the applicant. Failure to submit a response on the official forms provided for that purpose may be considered just cause for rejection of the response. Modification of any portion of the solicitation may be cause for rejection of the response.

CONFIDENTIAL / PROPRIETARY INFORMATION

Submitters should give specific attention to the identification of those portions of their Statement of Qualifications, which they deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by Pender County Utilities under North Carolina public records laws. Submitters must clearly indicate each and every section that is deemed confidential, proprietary or a trade secret as required by statute. It is NOT sufficient to preface your entire Statement of Qualifications with a proprietary statement.

If Pender County Utilities determines that a document that the Contractor has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, Pender County Utilities will provide notice of that determination to the contact person designated by the Contractor, in any reasonable manner that Pender County Utilities can provide such notice, at least five business days prior to its public disclosure of the document. If the contractor does not designate anyone to receive such notice, Pender County Utilities will not have obligation to provide any notice of a determination of non-confidentiality. If the Contractor does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the Contractor does not initiate judicial proceedings to protect the confidentiality of the document, Pender County Utilities will not have any obligation to withhold the document from public disclosure.

By submitting to Pender County Utilities a document that the Contractor designates as "confidential" or "trade secret", the Contractor agrees that in the event a third party brings any action against Pender County Utilities or any of its officials or employees to obtain disclosure of the document, the Contractor will indemnify and hold harmless Pender County Utilities and each organization's affected officials and employees from all costs, including attorney's fees incurred by or assessed against any defendant, of defending against such action. The Contractor also agrees that at Pender County Utilities' request the Contractor will intervene in any such action and assume all responsibility for defending against it, and that the Contractor's failure to do so will relieve Pender County Utilities of all further obligations to protect the confidentiality of the document.

EVALUATION

The Project Specific Contractor Prequalification Application, its completion by the interested applicant, and its use by Pender County Utilities and McKim & Creed shall not give rise to any liability on the part of Pender County Utilities or McKim & Creed to the applicant or any third party or person. No guarantees are made or implied that the Project will be constructed, either in part or whole.

In evaluating each application, Pender County Utilities will consider, by way of illustration and not limitation, the criteria included in this section. Pender County Utilities reserves the right to request additional information after reviewing the application and submitted documents. Prequalification score totals 147 and above will be deemed prequalified.

A. NON-POINT RATING ITEMS

An unsatisfactory rating on any item in the category titled "non-point rating items" will be considered sufficient cause to determine that an applicant may not be qualified to bid. The following are non-point criteria:

1. Responsiveness to RFQ - Only responsive applications will be considered and evaluated. A responsive application is that which is completed according to the instructions, includes all required attachments and requested information, and contains complete information regarding the following:
 - Application For Bidder Prequalification
 - Attachment A: Applicant Information
 - Attachment B: Details Of Past Projects
 - Attachment C: Applicant Affidavit
 - All Additional information as needed to provide a complete response to the RFQ
2. Debarment Status - By submitting an application, the applicant certifies that neither it nor any affiliated entity is currently debarred from submitting bids or has otherwise agreed not to submit bids on contracts with any government or business entity. If the applicant experiences a material change in its debarment status after the application is submitted and prior to the award of the contract for the project, the applicant shall notify Pender County Utilities of the change in writing at the time the change occurs or as soon thereafter as is reasonably practicable. If at any time during the evaluation process the applicant is debarred as described above, it will be considered grounds for automatic disqualification.
3. Contractor's License - The applicant must provide a copy of their North Carolina Contractors License applicable for the contract for which it is seeking prequalification, or provide documentation indicating that they are able to acquire one in a timely fashion consistent with the project schedule. If a statement is provided, the applicant must submit documentation indicating the state(s) in which the applicant is licensed for this type of work.
4. Bonding Capacity/Statement - Applicants must provide a signed statement from its Surety stating that, based on present circumstances, the surety will be willing to provide bid, performance and payment bonds for the applicant in connection with the Project, based on the previously estimated range of project cost.
5. Minimum Water / Wastewater Experience - The minimum experience requirement for prequalification is successful completion of at least three water or wastewater treatment plant projects each having a contract value of at least \$10 million in the last fifteen (15) years; or successful completion of concurrent water or wastewater treatment plant upgrade or expansion projects with combined monthly billings of \$500,000/month for at least a 24 consecutive month duration in the last five years.

B. POINT-RATING ITEMS

In considering a prospective bidder for prequalification, Pender County Utilities shall be the sole judge of the firm's financial soundness, history of satisfactory project performance, whether or not the applicant possesses a sufficient number of experienced qualified personnel at its

management and supervisory level and has demonstrated a commitment on its projects to accommodating changes and disruptions in the work, all of which indicate the ability to successfully complete the Project at the lowest possible cost to Pender County Utilities in accordance with the Project schedule.

1. Project Performance - During evaluation of project performance, emphasis will be placed on past performance on municipal treatment plant projects and other recent projects of a similar size and nature to this Project, including applicant's ability to meet scheduled completion dates.
2. Personnel Qualifications/Experience -The designated Project Manager and Superintendent must have experience on projects of similar size and scope. Applicant must dedicate the proposed personnel to the project and may not make changes without written approval from Pender County Utilities prior to bid of the Project. The qualifications of other personnel will also be considered in this evaluation.
3. References - Pender County Utilities intends to contact references listed in the application and may contact other potential references if referred to them in the course of this evaluation. Pender County Utilities reserves the right to contact any party it deems appropriate and by submitting a response to this RFQ, the applicant releases Pender County Utilities and any references from all liability concerning this exchange of information.
4. Financial Data - Financial data will be reviewed and compared to industry standards.
5. Safety Performance - Safety data will be reviewed and compared to industry standards.
6. Claims/Final Resolution/Judgments - Evaluation of this data will be based on the number of affirmative answers to the questions and the details provided in explanation for each occurrence.
7. Failure to Complete - Evaluation of the applicant's failure to complete projects will primarily be based on the number of occurrences and the explanations for the failure to complete in conjunction with the references on those projects.
8. Other Relevant Criteria – Any other relevant criteria deemed to be in the best interest of Pender County Utilities may be evaluated in determining whether or not to accept an applicant's submission.

MINORITY PARTICIPATION

Pender County Utilities' policies are to encourage Bidders to use minority and women-owned businesses as subcontractors. Pender County has established a goal of 10% participation for this project. Bidders are advised that funding for this project may require additional minority and women-owned requirements be met.

SUBCONTRACTING

The applicant agrees to consider utilizing local subcontractors for work associated with the Project. Prequalified bidders will be required to submit with their bid for the Project a list of subcontractors and documentation that quotes were solicited from local subcontractors. If the prequalified bidder did not solicit quotes from local subcontractors, it could be grounds to reject

the bid as non-responsive.

PROCUREMENT LAW

Prequalification and bidding procedures will be governed by, and administered in accordance with, applicable law in the jurisdiction of North Carolina and applicable Federal Law.

NOTICE OF SUBSTANTIAL CHANGES

If the applicant experiences a material change in its debarment status, financial condition, contractor licensure, corporate structure or personnel after the application is submitted and prior to the award of the contract for the project, the applicant shall notify Pender County Utilities of the change in writing at the time the change occurs or as soon thereafter as is reasonably practicable.

Failure to notify Pender County Utilities of any material change in the applicant's debarment status, financial condition, contractor licensure, corporate structure or personnel may constitute grounds for rescinding a "qualified to bid" rating or for rejection of a bid.

MISREPRESENTATION

If any applicant knowingly makes a misrepresentation in submitting information to Pender County Utilities, or fails to provide all required information, or provides information that is misleading, such misrepresentation, omission or misleading information will be sufficient grounds for rescinding a "qualified to bid" rating or for rejection of a bid submitted as a result of this prequalification.

COLLUSION AMONG APPLICANTS

More than one response from an individual, firm, partnership, corporation, or association under the same or different name will be rejected. Any or all responses will be rejected if there is any reason for believing that collusion exists among the applicants. Participants in such collusion may not be considered in future bids for the same work. Each prospective Bidder, by submitting a response, certifies that they are not a party to any collusive action or to any action that is otherwise unlawful. Nothing in this section will preclude a firm acting as a subcontractor to be included as a subcontractor for two or more prime contractors submitting a response for the Work.

E-VERIFY COMPLIANCE

As a condition of services rendered under this agreement, the Applicant will be required to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, if the Applicant provides the services to Pender County Utilities utilizing a subcontractor, Applicant shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes as well. The Applicant shall verify, by affidavit, compliance of the terms of this section upon request by Pender County Utilities.

APPLICATION FOR BIDDER PREQUALIFICATION

A copy of this page shall be the cover page for each set. A set of attachments and any additional information should be included with each set.

1. Applicant Name: _____

Provide all names under which the applicant does business:

Is the applicant related to another firm as a parent, subsidiary, or affiliate? Yes ___ No ___

If yes, attach names and addresses for all affiliated, parent and/or subsidiary companies, and state nature of each affiliation.

2. Address: _____

3. Tax identification Number (EIN/SSN): _____

4. Is applicant a corporation? Yes ___ No ___

• If yes, what is the State of incorporation? _____

5. If not incorporated, specify method and date of organization: _____

• If a partnership, attach partnership details (such as partner's names and individual contact information for each partner). If a Joint Venture (JV), attach the JV agreement and provide details of the intended role of each JV member, including appropriate additional attachments (at a minimum an Attachment C for each JV member).

6. Initial if: Minority Owned: _____ Women Owned: _____ Neither: _____

If so, provide, as attachment, any governmental certifications thereof.

7. Specify the portions of the Work that the applicant expects to subcontract: _____

8. Provide contact information including name, title, phone number and email address of the person who can respond authoritatively to any questions regarding this response:

Signed by: _____

Printed name and title: _____

Telephone No.: _____

Email Address: _____

ATTACHMENT A

A. NON-POINT RATING ITEMS

1. Responsiveness to RFQ - Responsiveness is defined in the RFQ section titled Evaluation.
2. Debarment Status - Has the applicant, or any affiliate, ever been the subject of any of the following actions:
 - a. Debarment..... Yes ___ No ___
 - b. Deletion from a Prequalified Bidders List Yes ___ No ___
 - c. Other action which resembles debarment..... Yes ___ No ___

If yes, provide details on a separate sheet for each instance.

3. Contractor's License - Attach copies of all Applicant's North Carolina Contractors Licenses required to perform the work, or provide documentation indicating that they are able to acquire one in a timely fashion consistent with the project schedule and include documentation indicating the state(s) in which the applicant is licensed for this type of work.
4. Bonding Capacity/Statement - Attach a signed statement from Applicant's Surety stating that, based on present circumstances, the surety will be willing to provide bid, performance and payment bonds for the applicant in connection with the Project.

Total bonding capacity \$ _____

Available bonding capacity \$ _____

Individual project bonding capacity \$ _____

5. Minimum Water/Wastewater Experience – Provide on Attachment B.

B. POINT RATING SYSTEM

1. Project Performance
 - a. Using a separate copy of Attachment B for each project, provide details of three or more projects that are most similar in size and scope to the Project completed in the last 15 years, and that meet the Minimum Wastewater Experience Requirements described under the Evaluation portion of this document.
 - b. Also, attach a list of all projects with a contract value greater than eight (8) million dollars over the last five (5) years. Include the following data: project name, owner, engineer and/or construction manager, contact information, completion date, percent of work performed by your own forces, original and final contract values.
2. Personnel Qualifications/Experience
 - a. Submit a copy of the applicant's corporate organizational chart. Provide the quantity of employees identified by discipline and project with names and titles down through field superintendents. Provide proposed project organizational chart and attach resumes of key personnel, which shall include the designated Superintendent and Project Manager. Emphasize years of construction experience, last employer, last position, and experience on similar projects.

**ATTACHMENT A
(Cont'd)**

3. References

- a. Reference information is addressed on Attachment B.

4. Financial Data

- a. Submit your organization's most recent audited financial statements for a three-year period. Complete balance sheets and income statements must be included in the application package. The statements shall be enclosed in a separate sealed envelope and it should be noted if the statements are for a parent company.

- b. Has the applicant, or any affiliate, ever been denied bonding or had bonding revoked?
Yes___No___

If yes, provide details on a separate sheet for each instance.

5. Safety Performance - On a separate sheet provide the following:

- a. Provide the current National Council on Compensation Insurance (NCCI) Experience Modification Rate (EMR). The current EMR shall be 1.3 or less. If the EMR is greater than 1.3 provide additional supporting information if it is believed that extenuating circumstances unrelated to the job site safety have resulted in a higher EMR.

- b. Provide the OSHA DART rate (Days Away, Restrictions or Transfers) for the three current years. The 3-year average of the DART rate shall be less than or equal to 1.30 times the current published national rate for the North American Industry Classification System (NAICS) (current national rate is 1.8). Therefore, the 3-year average DART rate is 2.34. If the average DART rate is greater than the acceptable range, provide additional supporting information if it is believed that extenuating circumstances unrelated to the job site safety have resulted in a higher average DART rate.

- c. Provide a list of OSHA citations levied during the past five years. Describe the infractions and indicate whether there was a warning or fine imposed and the dollar amount of each.

- d. Provide a description of the company's safety program, drug policy and related training policy. Provide a copy of relevant supporting documentation.

6. Claims/Final Resolution/Judgments- Have any of the following actions occurred on, or in conjunction with, any project performed by the applicant, any affiliate, or their officers, partners or directors in the last five years?

- a. Legal Action Implemented by Contractor against Owner Yes___ No___
- b. Legal Action Implemented by Contractor against Subcontractor Yes___ No___
- c. Legal Action Implemented by Owner Yes___ No___
- d. Legal Action Implemented by Subcontractor Yes___ No___
- e. Settlement or Close Out Agreement in effect with Owner Yes___ No___

**ATTACHMENT A
(Cont'd)**

- f. Judgments Yes___ No___
- g. Arbitrations..... Yes___ No___

If the answer to any of items a. through g. above is yes, provide details on a separate sheet for each instance.

- 7. Failure to Complete – Applicant - Has your organization ever failed to complete any work awarded to it? This includes termination for the convenience of the Owner or any other reason for failing to complete a project. Yes___ No___

If yes, provide details on a separate sheet for each instance.

- 8. Failure to Complete - Partner/Officer - Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a construction contract or failed to complete a construction contract handled in his or her own name? This includes termination for the convenience of the Owner or any other reason for failing to complete a project. Yes___ No___

If yes, provide details on a separate sheet for each instance.

**ATTACHMENT B
DETAILS OF PAST PROJECTS**

(Using a separate copy of this form for each project, provide details of three or more projects that are most similar in size and scope to the Pender Counties Utilities WWTP project.)

1. Contractor Name: _____
If Contractor's name is not the same as Applicant's name, state relationship (i.e. parent company, subsidiary, JV, etc.): _____
Project Manager: _____
Superintendent: _____
2. Project Name: _____
Facility Name: _____
Project Location: _____
Contract # _____ Project # _____
3. Owner: _____
Address: _____

Contact Person: _____
Contact Title & Phone: _____ () _____
4. Engineer _____
Address: _____

5. Construction Manager (if any): _____
Address: _____

Contact Person _____
Contact Title & Phone: _____ () _____
6. Contract Dates (completion dates should reflect substantial completion – if not indicate)
Notice to Proceed: _____
Contractual Completion: _____
Actual Completion: _____

**ATTACHMENT B
(Cont'd)**

7. Description of Project: _____

8. Original Contract Value: \$ _____
Final Contract Value: \$ _____
Value of Change Orders: \$ _____
Outstanding Claims to Date: \$ _____

9. Bonding Company: _____
Address: _____

Contact Person: _____
Contact Title & Phone: _____ () _____

10. List the five largest subcontractors on this page in terms of percentage of participation.

Subcontractor: _____
Trade: _____
Participation: _____
Address: _____

Contact Person _____
Contact Title & Phone: _____ () _____

Subcontractor: _____
Trade: _____
Participation: _____
Address: _____

Contact Person _____
Contact Title & Phone: _____ () _____

**ATTACHMENT B
(Cont'd)**

Subcontractor: _____

Trade: _____

Participation: _____

Address: _____

Contact Person _____

Contact Title & Phone: _____ () _____

Subcontractor: _____

Trade: _____

Participation: _____

Address: _____

Contact Person _____

Contact Title & Phone: _____ () _____

Subcontractor: _____

Trade: _____

Participation: _____

Address: _____

Contact Person _____

Contact Title & Phone: _____ () _____

**ATTACHMENT C
APPLICANT AFFIDAVIT**

The undersigned hereby attests under penalty of perjury and by personal knowledge to the following:

1. The contents of the Project Specific Contractor Prequalification Application (including all submitted attachments and other documentation) are true, correct and not misleading.
2. To the best of my knowledge neither the Applicant, nor its agents, affiliates, partners, employees, officers, directors or other associates of any kind, have colluded with any individual or entity on behalf of the Applicant, or themselves, to produce an unfair advantage over others or to gain favoritism in the award of any contract resulting from this RFQ.
3. By responding to this RFQ and submitting the Project Specific Contractor Prequalification Application (also referred to as the submittal), the Applicant agrees to indemnify and hold harmless all parties to this RFQ, including, but not limited to, Pender County Utilities and McKim & Creed, Inc. for any conceivable damages arising therefrom; and affirms that no compensation is expected as a result of the preparation of said response.
4. Applicant agrees to use the submitted personnel for the duration of this project. Any changes in the submitted personnel must be approved in writing by Pender County.

Applicant Name: _____

Officer's Signature: _____

Printed Name & Title: _____

Phone No: _____

Affix Corporate Seal

Witnessed by: _____

Witness printed name and title: _____

Date signed: _____

EVALUATION SUMMARY

Applicant Name: _____

A. NON-POINT RATING ITEMS

<u>CATEGORY</u>	<u>SATISFACTORY</u>	<u>UNSATISFACTORY</u>
1. Responsiveness to RFQ	_____	_____
2. Debarment Status	_____	_____
3. Contractor's License (ability to acquire)	_____	_____
4. Bonding Capacity/Statement	_____	_____
5. Minimum Project Experience	_____	_____

B. POINT-RATING ITEMS

	<u>WEIGHT</u>	X	<u>GRADE</u>	=	<u>TOTAL</u>
1. Project Performance	4		0 1 2 3 4 5		_____
2. Personnel Qualifications/Experience	3		0 1 2 3 4 5		_____
3. References					
a. Designers/Construction Managers	4		0 1 2 3 4 5		_____
b. Owners					
(1) Adherence to Schedule	3		0 1 2 3 4 5		_____
(2) Quality of Completed Work	4		0 1 2 3 4 5		_____
(3) Overall (cooperation/coordination)	3		0 1 2 3 4 5		_____
4. Financial Data	4		0 1 2 3 4 5		_____
5. Safety Performance	5		0 1 2 3 4 5		_____
6. Claims/Final Resolution/Judgments	4		0 1 2 3 4 5		_____
7. Failure to Complete – Applicant	4		0 1 2 3 4 5		_____
8. Failure to Complete – Partner/Officer	3		0 1 2 3 4 5		_____

GRADING SCALE

0 = Unfavorable, 1 = Questionable, 2 = Below Average, 3 = Average, 4 = Above Average, 5 = Most Favorable