

Pender County Contractor Prequalification Policy

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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 Project Specific 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 Project Specific 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 project specific 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 205. 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 Project Specific 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 Project Specific 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.