PENDER COUNTY UTILITIES US 421 PUMP STATION, FORCE MAIN & WATER MAIN PROJECT

BIDDER PREQUALIFICATION - REQUEST FOR QUALIFICATIONS (RFQ)

The Pender County Utilities is seeking prequalification applications from properly licensed, bonded, and qualified general contractors for construction of the proposed US 421 Pump Station, Force Main & Water Main. The project will be bid as a single prime contract. Prequalification applications will be received at the office of Pender County at 805 S. Walker St., Burgaw, NC 28425 until no later than 4:00 p.m. local prevailing time on the 21st of September 2023.

This is <u>not</u> a solicitation for bid; however, Pender County Utilities will only accept bids for this construction contract from Contractors who are approved by Pender County Utilities as prequalified for this project. The anticipated schedule for the pre-qualification and construction bid process is as follows:

Schedule Milestone	Date
Advertise Request for Bidder Prequalification	August 28 th
Receive Bidder Pre-Qualification Submittals	September 21st
Notify Pre-Qualified Bidder	October 6 th
Formal Bid Documents Available to Pre-Qualified Bidders	October 24 th
Open/Receive Construction Bids from Pre-Qualified Bidders	November 28 th
Pender Board of Directors Award of Bid Submittal	January 2 nd

The project's estimated range for construction cost is approximately \$13.5 million and includes, but is not limited to, a 0.75 MGD Pump Station and approximately 8.5 miles of 12-inch and 16-inch water and sewer pressure main, valves, and associated appurtenances. The estimated project duration is 18 months. Funding for the project will be provided by Pender County Utilities.

Any 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 contractors to bid on this project is applicable to this project only. Applications for Prequalification of Bidders are available at https://pendercountync.gov/utl/documents/.

Neither Pender County Utilities or the Engineer will be responsible for full or partial sets of Applications for Prequalification of Bidders, including any Addendum obtained from any other source.

A virtual bidder prequalification meeting will be held on <u>September 12, 2023 at 2:00 p.m. local</u> time. Applicants will receive a link and call-in number to attend. Attendance is **not** mandatory.

GENERAL INFORMATION

The US 421 Pump Station, Force Main & Water Main Project consists of a 0.75 MGD Pump Station and approximately 8.5 miles of 12-inch and 16-inch water and sewer pressure main, valves, and associated appurtenances as briefly described in the Request for Bidder Prequalification solicitation. The successful bidder(s) 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 <u>not</u> 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.

Funding for the project is being provided by Pender County Utilities. The project will be administered by Pender County Utilities.

ADDENDA AND INTERPRETATIONS

All requests for interpretation of the RFQ and the associated application and attachments must be made by emailing kleubner@pendercountync.gov. To be given consideration, such requests must be received by September 14, 2023 at 5:00 pm local time. 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 Pender County Utilities with the application.

The applicant hereby acknowledge	es the receipt of all addenda.
No	Dated
No	Dated
No	Dated

APPLICATION REQUIREMENTS

The applicant must complete and submit <u>one electronic copy</u> of the application and all associated forms and attachments, which together comprise the Application for Bidder Prequalification (referred to herein as the "application" or "submittal"). The application shall be signed where indicated and submitted via email to <u>kleubner@pendercountync.gov</u>. Electronic application packages greater than 10 MB may be submitted by flash drive to:

Pender County Utilities Attention: Katie Leubner Project Manager 15060 US Hwy 17 Hampstead, NC 28443

The applicant's name and the project name (**US 421 Pump Station, Force Main & Water Main**) should be clearly displayed on the outside of the envelope. Timely submission is the sole responsibility of the applicant. 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. Pender County Utilities reserves the right to decide, on a case-by-case basis, at its sole discretion, whether to reject such an application as non-responsive.

EVALUATION

Pender County Utilities reserves the right to waive any and all irregularities or informalities in the submittal, to reject any and all applications, and to accept the application(s) most favorable to Pender County Utilities. In evaluating each application, Pender County Utilities will consider, by way of illustration and not limitation, the criteria included in this section.

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 is not qualified to bid. The following are non-point criteria:

- 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
 - Attachment D: Insurance / Bonding Requirements
 - All Additional information as needed to provide a complete response to the RFQ
- 2. <u>Debarment Status</u> 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 the Authority 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.
- 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. Licensure requirements for bidder: Limitation: Unlimited, Classification: Unclassified
- 4. <u>Bonding Capacity/Statement</u> 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. See attachment D for minimum requirements.
- 5. <u>Pressure Pipeline Experience</u> The minimum experience requirement for prequalification is successful completion of at least three pressure pipeline projects size 12" and larger and each having a contract value greater than \$5 million in the last ten (10) years. Materials of construction may include PVC or ductile iron pipe in

- diameters 12-inch or larger.
- 6. <u>Pump Station Experience</u> The minimum experience requirement for prequalification is successful completion of at least three pump station projects size 12" and larger and each having a contract value greater than \$1 million in the last ten (10) years. Projects meeting requirements #5 and #6 may count for both.
- 7. <u>Quality Control Program</u> The applicant must provide documentation regarding construction quality control program.
- 8. <u>Administration and Management Plan</u> The application must provide a description of their organizations administration and management plan.
- 9. The applicant shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm.

B. <u>POINT-RATING ITEMS</u>

The applicant must achieve a minimum total score of 60% on the "point-rating items" in the evaluation summary to be prequalified. 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.

- <u>Project Performance</u> During evaluation of project performance, emphasis will be placed on past performance on Pender County Utilities projects and other recent projects of a similar size and nature to the Project, including applicant's ability to meet scheduled completion dates.
- <u>Personnel Qualifications/Experience</u> 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. The qualifications of other personnel will also be considered in this evaluation.
- <u>References</u> 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 contractor
 releases Pender County Utilities and any references from all liability concerning this
 exchange of information.
- <u>Financial Data</u> Financial data will be reviewed and compared to industry standards.
- <u>Safety Performance</u> Safety data will be reviewed and compared to industry standards.
- 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.

- <u>Failure to Complete Applicant</u> 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.
- 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.

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, 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, 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 pregualification.

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.

DENIAL PROTEST PROCEDURES

Prospective bidders that are denied pre-qualification for this project may appeal the denial in accordance with the State of NC Prequalification Policy. <u>Per this policy a written appeal must be filed within three (3) business days of receipt of notice that the firm has been denied pre-qualification.</u>

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.

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 the nature of each affiliation.
Address:
Is applicant a corporation? Yes, No
If yes, what is the State of incorporation?
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).
Initial if: Minority Owned:, Women Owned:, Neither: If so, provide, as attachment, any governmental certifications thereof.
Specify the portions of the Work that the applicant expects to subcontract:
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:

ATTACHMENT A APPLICANT INFORMATION

A. NON-POINT RATING ITEMS

1.	Responsiveness to R	RFQ -	Responsiveness	is	defined	in	the	RFQ	section	titled
	Evaluation.									

2.	Debarment Status – Has the applicant, or any affiliate, ever been the subject of an	y 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.
- 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 \$	

- 5. **Pressure Pipeline Installation Experience** Provide on Attachment B.
- 6. **Pump Station Installation Experience** Provide on Attachment B.
- 7. Quality Control Program- Attach document(s) describing quality control program.
- 8. Administration and Management Plan Attach document(s) describing plan.

B. POINT RATING ITEMS

1. Project Performance

Using a separate copy of Attachment B for each project, provide details of five or more projects that are most similar in size and scope to the Project.

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 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. Emphasize years of construction experience, last employer, last position, and experience on similar projects.
- 3. **References** Reference information is addressed on Attachment B.
- 4. **Financial Data** 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.

ATTACHMENT A (Cont'd)

	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. Experience Modification Factor (EMF) with 3-year and 5-year trendsb. General Liability and Workers Compensation Insurance Loss Ratio with 3-year and 5-year trends				
	 c. Accident Frequency Rate with 3-year and 5-year trends d. 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. 				
	e. Details from your organization's previous 5 years OSHA 300 log indicating: Number of lost workday cases Number of restricted workday cases Number of cases with medical attention only Number of fatalities				
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				
	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.	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 five or more projects that are most similar in size and scope to the Project.)

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:				
Project Name:				
Facility Name:				
Project Location:				
Contract # Project #				
Owner:				
Address:				
Contact Person:				
Contact Title & Phone # ()				
Engineer:				
Address:				
Contact Person:				
Contact Title & Phone # ()				
Construction Manager (if any):				
Address:				
Contact Person:				
Contact Title & Phone # ()				
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:	\$	
0.	Final Contract Value:	\$	
	Value of Change Orders to Date:		
	Outstanding Claims to Date:	\$	
9.		*	<u> </u>
•	Address:		
	Contact Person:		
	Contact Title & Phone #)
10.	List the five largest subcontractors cipation.	on this project in terms of percentag	e of
parti			
	Subcontractor:		
		Participa	ation:%
	Address:		
	Contact Dayson		
			\
	Contact Title & Phone #	()
	Subcontractor:		
	Trade:	Participa	ation:%
	Address:		
	Contact Dance		
	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 Application for Bidder Prequalification (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 Application for Bidder Prequalification (also referred to as the submittal), the Applicant agrees to indemnify and hold harmless all parties to this RFQ, including, but not limited to, the Owner and Engineers 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 Utilities.

Applicant Name:	
Officer's Signature:	
Printed name and title:	
Telephone No:	
Affix Corporate Seal	
Witnessed by:	
Witness printed name and title:	
Date Signed:	

ATTACHMENT D Insurance and Bonding Requirements

Insurance Requirements

Contractor shall maintain insurance from companies licensed to write business in North Carolina, with an A.M. Best Rating of A VII rate or higher.

The following criteria will be deemed necessary for selection:

- Workers Compensation \$1,000,000/\$1,000,000. Insurer shall agree to waive all rights of subrogation against the Authority, its officers, officials, and employees; endorsement required.
- General Liability \$2,000,000 per occurrence/\$4,000,000 aggregate. Authority must be additional insured and endorsement required.
- Auto Liability Insurance \$1,000,000 per occurrence, combined single limits applicable to claims due to bodily injury and/or property damage. Authority must be additional insured and endorsement required.
- Umbrella Liability Insurance coverage shall provide excess liability limits at least in the amount of \$3,000,000. per occurrence, combined single limits, applicable to claims arising from bodily injury, personal injury, and/or property damage. Authority must be additional insured.
- Installation Floater coverage shall be written in the amount of one hundred percent (100%) of the value of the equipment and materials in force until accepted by Authority.

Bond Requirements

- Payment Bond: The Contractor shall provide a Payment Bond in the amount of one hundred percent (100%) of the Contract Price, conditioned upon the prompt payment for all labor or materials for which a Contractor or subcontractor is liable. The Payment Bond shall be solely for the protection of the persons furnishing materials or performing labor for which a Contractor or subcontractor is liable.
- Performance Bond: The Contractor shall provide a Performance Bond in the amount of one hundred percent (100%) of the Contract Price, conditioned upon the plans, specifications, and the Contract. The Performance Bond shall be solely for the protection of the Owner.