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HAYWOOD COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

**Must be presented to the County Manager's Office
no later than 12:00 p.m. Friday 10 days before the meeting**

DATE OF REQUEST: August 23, 2019

FROM: Tracy L. Wells

MEETING REQUEST DATE: September 3, 2019

REQUEST: 1) Approval of Prequalification Policy for construction and repair projects for which the county intends to prequalify bidders, and
2) Approval of Contractor Prequalification Form for Francis Farm Landfill.

BACKGROUND AND PLAN: The County will be undertaking a major construction project at Francis Farm Landfill later this year. Due to the complexity of the project and in consulting with the county engineers adopting a Prequalification Policy would in the best interest so that the County can ensure the most qualified contractors submit bids.

The Prequalification Policy is allowed under NCGS 143-135.8. This Prequalification Policy pertains only to projects for which Haywood County intends to prequalify bidders.

The Contractor Prequalification Policy establishes a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to faithfully perform a contract for construction or repair.

FINANCIAL: N/A

SUPPORTING ATTACHMENT: YES NO

POWERPOINT PRESENTATION: YES NO

PERSON MAKING PRESENTATION: David B. Francis

TITLE: Program Administrator

PHONE NUMBER: 356-2602

EMAIL: david.francis@haywoodcountync.gov

Prequalification Policy Haywood County, North Carolina

In accordance with North Carolina General Statute 143-135.8, Haywood County has established this Prequalification Policy which shall be used for construction projects and repair projects for which Haywood County intends to prequalify bidders. The Contractor Prequalification Policy establishes a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to faithfully perform a contract for construction or repair. This Prequalification Policy pertains only to projects for which Haywood County intends to prequalify bidders. The policy is intended to be general in nature and therefore, any prequalification process initiated by Haywood County will require the preparation of a separate project specific Contractor Prequalification Form (also known as an assessment tool which outlines criteria for that specific project). This Prequalification Policy and the use of the Contractor Prequalification Form shall be applied objectively.

On projects requiring prequalification, only bids from prequalified bidders will be accepted. Bids from non-prequalified firms will be deemed non-responsive and will not be opened.

Contractor Prequalification Form

For each construction or repair project in which the County intends to prequalify bidders, a project specific Contractor Prequalification Form will be adopted by the Haywood County Board of Commissioners for each project and will be available to all interested firms. The form shall include specific requirements for the project and shall meet all the following criteria:

1. Must be uniform, consistent, and transparent in its application to all bidders.
2. Must allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project.
3. Clearly state the prequalification criteria, which must comply with all of the following:
 - a. Be rationally related to the construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by Haywood County.
 - c. Permit bidders to submit history or experience with projects of similar size, scope, and complexity.
4. Clearly state the assessment process of the criteria to be used.
5. Provide a process for a denied bidder to protest the County's determination.
6. Outline a process for notifying a denied prequalified bidder.

Contractor Prequalification Evaluation Process

Haywood County shall establish a Prequalification Review Committee to review all the prequalification applications. The Prequalification Review Committee shall consist of the Chairman of the Board Commissioners, Haywood County Manager, Haywood County Finance Department Director, Haywood County Development Services Director and other member(s) as designated by the County Manager. The committee will evaluate each application and the accompanying scoring matrix using the criteria established in the Project Specific Contractor Prequalification Form to determine whether the applicant is prequalified to bid on the project,

§ 143-135.8. Prequalification.

(a) Except as provided in this section, bidders may not be prequalified for any construction or repair work project.

(b) A governmental entity may prequalify bidders for a particular construction or repair work project when all of the following apply:

- (1) The governmental entity is using one of the construction methods authorized in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).
- (2) The board or governing body of the governmental entity adopts 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.
- (3) The governmental entity has adopted the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project.

(c) The objective prequalification policy adopted by a governmental entity pursuant to subdivision (2) of subsection (b) of this section shall meet all of the following criteria:

- (1) Must be uniform, consistent, and transparent in its application to all bidders.
- (2) Must allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project.
- (3) Clearly state the prequalification criteria, which must comply with all of the following:
 - a. Be rationally related to construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
 - c. Permit bidders to submit history or experience with projects of similar size, scope, or complexity.
- (4) Clearly state the assessment process of the criteria to be used.
- (5) Establish a process for a denied bidder to protest to the governmental entity denial of prequalification, which process shall be completed prior to the opening of bids under G.S. 143-129(b) and which allows sufficient time for a bidder subsequently prequalified pursuant to a protest to submit a bid on the contract for which the bidder is subsequently prequalified.
- (6) Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

(d) If the governmental entity opts to prequalify bidders, bids submitted by any bidder not prequalified shall be deemed nonresponsive. This subsection shall not apply to bidders initially denied prequalification that are subsequently prequalified pursuant to a protest under the governmental entity's prequalification policy.

(e) Prequalification may not be used for the selection of any qualification-based services under Article 3D of this Chapter, G.S. 143-128.1A, G.S. 143-128.1B, G.S. 143-128.1C, or the selection of the construction manager at risk under G.S. 143-128.1.

(f) For purposes of this section, the following definitions shall apply:

- (1) Governmental entity. - As defined in G.S. 143-128.1B(a)(6).
- (2) 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. (1995, c. 367, s. 8; 2014-42, s. 1.)

**Haywood County
Contractor Prequalification Form**

Pursuant to the statute, this form gathers information about the contractors seeking to qualify for the work and provides a general format for the prequalification criteria. **Completing this questionnaire does not guarantee prequalification.** Evaluation of the submittal shall be performed by the prequalification committee in accordance with GS 143-128.1, 143-135.8 and the Haywood County Prequalification Policy (attached).

This form must be utilized in order to be considered responsive and reviewed by the Prequalification Committee.

PREQUALIFICATION INFORMATION:

The prequalification committee shall consist of:

- Haywood County Chairman Board of Commissioners
- Haywood County Manager
- Haywood County Finance Department Director
- Haywood County Development Services Director
- And other member(s) designated by the Haywood County Manager

Based on the scoring matrix information provided under each section, all scores totaling 80 points or higher shall be considered prequalified.

Per the Haywood County Prequalification Policy attached to this form, a firm which is denied prequalification may file a written protest to the County Manager within three (3) business days of receiving the denial notice. Protests may be sent via email to bryant.morehead@haywoodcountync.gov or mailed to the address listed below:

- Bryant Morehead, County Manager
- Haywood County Historic Courthouse
- Third Floor
- 215 North Main Street
- Waynesville, North Carolina 28786

PREQUALIFICATION DUE DATE/TIME: _____ (date) _____ (time)

Submitted to

Haywood County
Agency/Institution

215 North Main Street

Waynesville, North Carolina 28786
City/State Zip Code

828-452-6625
Phone number

828-452-6715
Fax Number

E-mail address

**Haywood County
Contractor Prequalification Form**

Project: Haywood County Francis Farm Landfill – Cap Improvements Project
Name of Project

Haywood County
Project Owner

176 Farmview Drive, Waynesville, NC 28786
Project Location/Address

McGill Associates, PA
Project Engineer

March 2020
Project Start Date (Approx.)

365 calendar days
Project Duration

January 2020
Anticipated Bid Date

Project Description:

- The installation of approximately 20 acres of 40-mil LLDPE cap liner system with cover soils;
- Earthworks to achieve final grades, totaling approximately 200,000 cubic yards of cut and fill;
- Extending existing LFG collection wells and replacing well heads as necessary;
- Replacement of LFG and leachate collection piping;
- The installation of a grinder pump and sewage force main;
- The installation of erosion control measures and stormwater conveyance features;
- The construction of a paved access road to the adjacent school bus maintenance facility;
- The installation of an access road across a stream to lower level of the property;
- Reporting to the State DEQ Solid Waste Section, as outlined in the contract documents;
- All work in accordance with the contract documents and associated Construction Quality Assurance Plan.

SECTION 1. GENERAL COMPANY INFORMATION

1. a. Primary/Main office location

Company Name

Physical Address

Mailing Address

City/State Zip Code + 4

(_____) _____ (_____) _____
Phone number Fax number

Primary Contact Name Secondary Contact Name

Primary Contact Email Address Secondary Contact Email Address

**Haywood County
Contractor Prequalification Form**

[Matrix: 0-1 point. If completely filled in give 1 point. If not, give 0 points.]

1. b. Local office location responsible for this project

Company Name _____

Physical Address _____

Mailing Address _____

City/State Zip Code + 4

(_____) _____ (_____) _____

Phone number

Fax number

Primary Contact Name _____

Secondary Contact Name _____

Primary Contact Email Address _____

Secondary Contact Email Address _____

[Matrix: 0-1 points. If completely filled in give 1 point. If not, give 0 points.]

1. c. Biographical Summaries

Attach names, titles, and brief biographical summaries of all corporate officers, including specific service with the applicant? Have you attached the biographical summaries Yes No

[Matrix: 0-2 points. If completely filled in give 2 points. If not, give 0 points.]

1. d. Consistent Operation

Has your firm consistently operated under the company name used herein for at least the last five (5) years, and that all documented experience provided for this prequalification was achieved by personnel working directly for the applicant under the current company name? Yes No

[Matrix: 0-5 points. If yes, give 5 points. If no, give 0 points.]

1. e. Licensing Information (Please provide all North Carolina professional licenses required for you to perform your services.)

<u>NC License number/name of licensee</u>	<u>License Limit/Level</u>	<u>State/County/City Privilege License (provide copy)</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____

Has any license ever been denied or revoked? Yes No If yes, please describe, _____

[Matrix: 0-2 points. If completely filled in give 2 points. If not, give 0 points. If license has been revoked, give 0-2 points based on explanation provided]

Bonding

**Haywood County
Contractor Prequalification Form**

1. f.(1) Attach letter, dated within the last 30 days, from your surety company, signed by their Attorney in Fact, verifying their willingness to issue payment and performance bonds for the estimated amount of \$5,000,000 for this project, on behalf of your firm. Surety company bond rating shall be rated "A" or better under the A.M. Best Rating system or The Federal Treasury List.

Have you attached a surety letter? Yes No

[Matrix: 0-4 points. If surety letter attached and surety company bond rate is A or better, give 4 points. If surety company bond rate is B, give 2 points. If surety bond company bond rate is less than B, give 0 points]

1.f.(2) Have ad Funds been expended by a Surety Company on your firm's behalf? Yes No If yes, explain

[Matrix: 0-4 points. If no funds expended by surety company give 2 points. If not, give 0 points.]

Equipment

1. g. Attach an equipment list (including make, model, and year) that will be utilized by the applicant for this project. Specify if equipment is owned or leased.

Have you attached the equipment list? Yes No

[Matrix: 0-4 points. If yes, give 4 points. If not, give 0 points.]

Insurance

1.h. Firms must indicate that they can provide evidence of insurance coverage, should they be the successful bidder by attaching a copy of their insurance certificate. Have you attached a copy of your insurance certificate? Yes No

[Matrix: 0-3 points. If insurance certificate attached, give 3 points. If not, give 0 points.]

Self-Performed Work

1. i. The Contract Documents for this project will require that the employees of the applicant must complete 50% of the work on this project? Will the applicant self-perform 50% or more of the work Yes No

[Matrix: 0-3 points. If yes, give 3 points. If not, give 0 points.]

SECTION 2. GENERAL REQUIREMENTS

Experience - Size/Capacity/Workload

2. a. (1) How many projects do you currently have under contract or in progress and what is their total dollar value?

- _____ (# of projects) ;
- \$ _____ (Current projects contract amount);
- \$ _____ (Projects current amount remaining to bill)

Haywood County Contractor Prequalification Form

[Matrix: 0-2 points. If section completed give 2 points. If not, give 0 points.]

2. a. (2) List the three largest contracts currently under contract or in progress, including for each, the name of the project, owner, architect and/or GC/CMR and contact information below.

#1 –Project Name	
Description of Work Performed	
Contract Delivery Method (CM/GC)?	
Owner Name/ Representative	
Owner Address/Phone #/Email	
Engineer Name/Representative	
Engineer Address/Phone #/Email	
GC or CM Name/Representative	
GC or CM Address/Phone #/Email	
Contract Dollar Value	
Percentage Complete	
Current Anticipated Completion Date	

#2 –Project Name	
Description of Work Performed	
Contract Delivery Method (CM/GC)?	
Owner Name/ Representative	
Owner Address/Phone #/Email	
Engineer Name/Representative	
Engineer Address/Phone #/Email	
GC or CM Name/Representative	
GC or CM Address/Phone #/Email	
Contract Dollar Value	
Percentage Complete	
Current Anticipated Completion Date	
#3 –Project Name	
Description of Work Performed	
Contract Delivery Method (CM/GC)?	
Owner Name/ Representative	

**Haywood County
Contractor Prequalification Form**

Owner Address/Phone #/Email	
Engineer Name/Representative	
Engineer Address/Phone #/Email	
GC or CM Name/Representative	
GC or CM Address/Phone #/Email	
Contract Dollar Value	
Percentage Complete	
Current Anticipated Completion Date	

[Matrix: 0-6 points. For each project above, if information is complete, give 2 points. If information is incomplete, give 0 points.]

Litigation/Claims

2. b. (1) Has your company ever been involved in any judgments, claims, arbitration or mediation proceedings, or suits, whether resolved or still pending resolution? Yes No If yes, state the project name(s), year(s), case number and reason why: _____

[Matrix: 0-2 points. If company has not been involved in any of the above give 2 points. If they have, give 0 to 2 points based on explanation provided.]

2. b. (2) Has your company been involved in a dispute with a project Owner involving claims for liquidated damages or compensation in excess of the bid amount, excluding change orders within the last five years? Yes No If yes, state the project name(s), year(s), case number and reason why: _____

[Matrix: 0-2 points. If there are no current judgments, claims, arbitration, suits or mediation pending give 2 points. If there is, give 0 points.]

2. b. (3) Has your company ever failed to complete work awarded to it? Yes No If yes, please provide project name(s), year(s), and reason why: _____

[Matrix: 0-5 points. If company has never failed to complete work it has been awarded then given 5 points. If they have failed to complete work then, give 0 points.]

2.b. (4) Has your present company, its officers, owners, or agents ever been convicted of charges relating to conflicts of interest, bribery, or bid-rigging? Yes No

[Matrix: 0-3 points. If "Yes" give 0 points. If "No", give 3 points]

2.b. (5) Has your present company, its officers, owners, or agents ever been barred from bidding public work in North Carolina? Yes No

**Haywood County
Contractor Prequalification Form**

[Matrix: 0-3 points. If "Yes" give 0 points. If "No", give 3 points]

SECTION 3. PROJECT SPECIFICS

3.a. The assigned project superintendent for this project shall be: _____.
Include a resume. Have you included a resume? Yes No

[Matrix: 0-2 points. If resume included, give 2 points. If not, give 0 points.]

3.b. The experience this superintendent has on this specific type of project is: ___ years experience ___ number of landfills with liner system _____ square feet of liner system.

[Matrix: 0-6 points. If 2 years or greater give 2 pts. If 2 landfills or greater give 2 pts. If 400,000 square feet of liner or greater give 2 pts.]

3.c. The assigned project manager for this project shall be _____.
Include a resume. Have you included a resume? Yes No

[Matrix: 0-2 points. If resume included, give 2 points. If not, give 0 points.]

3.d. The experience this project manager has on this specific type of project is: ___ years experience ___ number of landfills with liner system _____ square feet of liner system.

[Matrix: 0-6 points. If 2 years or greater give 2 pts. If 2 landfills or greater give 2 pts. If 400,000 square feet of liner or greater give 2 pts.]

Similar Projects

3.e. The applicant must provide information on previous projects in order to verify that at least two (2) Subtitle D landfills with base liner systems or Landfill Cap Closure projects with cap liner (low permeability soil liner underlying a polyethylene liner) totaling at least 5,000,000 square feet have been completed under the applicant's current company name. Three (3) tables have been provided to include this information. If additional projects are needed to demonstrate that the above requirement has been met, please attach the information in the format listed below for the additional projects:

#1 –Similar - Project Name	
Description of Work Performed (include sizes, quantities, structures, performance specification requirements, i.e. permeability, and equipment utilized)	
Square Footage of Liner System	
Manufacturer and Installation Contractor for geomembrane liner	
Percentage of self-performed work	

**Haywood County
Contractor Prequalification Form**

Original Bid Amount	
Final Contract Amount (attach explanation for discrepancy)	
Contract Duration	
Actual Construction Duration	
Contract Delivery Method (CM/GC)?	
Owner Name/ Representative	
Owner Address/Phone #/Email	
Engineer Name/Representative	
Engineer Address/Phone #/Email	
#2 –Similar - Project Name	
Description of Work Performed (include sizes, quantities, structures, performance specification requirements, i.e. permeability, and equipment utilized)	
Square Footage of Liner System	
Manufacturer and Installation Contractor for geomembrane liner	
Percentage of self-performed work	
Original Bid Amount	
Final Contract Amount (attach explanation for discrepancy)	
Contract Duration	
Actual Construction Duration	
Contract Delivery Method (CM/GC)?	
Owner Name/ Representative	
Owner Address/Phone #/Email	
Engineer Name/Representative	
Engineer Address/Phone #/Email	

[Matrix: 0-30 points based on requirements of at least two (2) Subtitle D Landfills or Landfill Cap Closure projects with cap liner (low permeability soil liner underlying a polyethylene liner) totaling at least 5,000,000 square feet have been completed under the applicant's current company name. If the requirements are met and all information has been provided, give 15 points for each project. If projects listed above are not a Subtitle D landfill with base liner system, or incomplete information has been provided, give 0 points. In order to 30 points to be granted, the similar projects provided in this section must have been completed under the current company name. A maximum of 5 points will be

Haywood County Contractor Prequalification Form

granted for projects completed by company personnel in a project management role under the operation of a previous employer.

SECTION 4. MISCELLANEOUS

Contractor Prequalification Evaluation Process

Haywood County shall establish a Prequalification Review Committee to review all of the prequalification applications. The Prequalification Review Committee shall consist of: Haywood County Finance Department Director, Haywood County Manager, and Haywood County Project Administrator. The committee will evaluate each application and the accompanying scoring matrix using the criteria established in the Project Specific Contractor Prequalification Form to determine whether the applicant is prequalified to bid on the project, based on the information contained in the application. All firms that submitted prequalification applications will be notified, in writing, of the committee's decision.

Protest Procedure

Any firm(s) that is denied prequalification to bid may protest the decision as outlined below:

1. A firm which is denied prequalification may protest the committee's decision by filing a written protest to the County Manager, unless otherwise designated, within three (3) business days of receiving the notice that the firm has been denied prequalification. Specific notification details will be included in the project specific Contractor Prequalification Form.
2. The protest shall clearly state all of the reasons why the firm is contesting the denial and include all documents supporting the firm's position.
3. The Prequalification Review Committee will review the written protest and notify the firm within five (5) business days of their decision.
4. All protest review decisions by the Prequalification Review Committee are final.
5. Such protest process shall be completed prior to opening bids under the provisions of N.C. Gen. Stat. § 143-129 (b) and shall allow sufficient time for a bidder subsequently prequalified pursuant to a protest to submit a bid on the contract for which the bidder is subsequently prequalified.
6. A firm's failure to comply with any requirements of the protest procedures of this section shall result in the firm's protest being terminated and rendered moot.

Notice of Decision

All firms that submitted applications for prequalification shall be promptly notified in writing and/or via email of the Prequalification Review Committee's decision. Notice shall be provided prior to the Bid Advertisement for the project and with sufficient time for the firm to protest the denial of the application. Such notice is available upon request as well.

SECTION 5. SIGNATURE

By signing this document, you are acknowledging that all answers are true to the best of your knowledge. **Any answers found to be falsified will bar you from being prequalified on this project.**

Company Name (as licensed in NC)

**Haywood County
Contractor Prequalification Form**

Physical Address _____

Mailing Address _____

a. Dated this day of: _____

Submitted by: _____
Signature By Authorized Officer

Print Title of Authorized Officer

Phone: _____
Contact person's phone number

E-mail: _____
Contact person's E-mail address

b. Notary Certification:
_____ (State)
_____ (County)

I, a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of _____, 20____.

(Official Notary Seal or Stamp)

Signature of Notary Public

My commission expires _____, 20 ____

[Matrix: 0-2 points. If signature section fully executed with notary give 2 points. If not, 0 points.]

Haywood County Contractor Prequalification Form

Haywood County - Contractor Prequalification Ratings Matrix

Date: _____
 Project Name: _____

				1	2	3	4	5	6	7	8
				Contractor Name	Contractor Name	Contractor Name	Contractor Name	Contractor Name	Contractor Name	Contractor Name	Contractor Name
Form #	Description	Max Pts		Pts	Pts	Pts	Pts	Pts	Pts	Pts	Pts
1. GENERAL COMPANY INFORMATION											
1.a.	Primary/Main Office Location	2									
1.b.	Local Office Location	2									
1.c.	Biographical Summaries	2									
1.d.	Consistent Operation	10									
1.e.	Licensing Information	2									
1.f.	Bonding - Surety letter attached	5									
1.g.	Equipment List Attached	5									
1.h.	Self Performed Work	3									
	Subtotal	31		0	0	0	0	0	0	0	0
2. GENERAL REQUIREMENTS											
2.a.(1)	Experience - Number of current projects under contract	3									
2.a.(2)	Experience - Selected Contract 1	3									
2.a.(2)	Experience - Selected Contract 2	3									
2.a.(2)	Experience - Selected Contract 3	3									
2.b.(1)	Litigation/Claims	2									
2.b.(2)	Liquidated Damages/Compensation Claims - Last 5 years	2									
2.b.(3)	Failed to complete construction contract	5									
	Subtotal	21		0	0	0	0	0	0	0	0
3. PROJECT SPECIFIC REQUIREMENTS											
3.a.	Project Superintendent included resume	2									
3.b.	Project Superintendent Experience	6									
3.c.	Project Manager included resume	2									
3.d.	Project Manager Experience	6									
3.e.	Similar Projects	30									
	Subtotal	46		0	0	0	0	0	0	0	0
4. SIGNATURE											
4	Fully executed including notary	2									
	Subtotal	2		0	0	0	0	0	0	0	0
TOTAL POINTS		100		0	0	0	0	0	0	0	0
All scores 80 and above will be prequalified.											