

Request For Pre-Qualification Of Bidders Commencing With Forthcoming Public Work Bid

REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING WITH FORTHCOMING PUBLIC WORK BID

[Pre-qualification procedure begun prior to RFP]

Notice is hereby given that the City of Beaufort has determined that all bidders on the Henry C. Chambers Waterfront Park Reconstruction Project to be undertaken by the City of Beaufort must be pre-qualified prior to submitting a bid on that project. It is mandatory that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the City of Beaufort to be on the final qualified Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a fully completed questionnaire is **April 22, 2005**.

This project will renovate an approximately 5.88 acre (256,184 square feet) urban waterfront park located in the Beaufort Historic District. The site is located on the Beaufort River south of Bay Street and west of Carteret Street. The urban waterfront park was originally constructed between 1977 and 1978, and is used for hosting a variety of community events throughout the year. The park is popular and is well used by visitors and the community alike. Shops and business abut the northern boundary of the park while surface parking lots are provided on the east and west ends of the park. The southern boundary of the park is made by way of a bulkhead along the Beaufort River (Intracoastal Waterway). Docks for boats are located in the westerly portion of the site.

The urban waterfront park requires varying degrees of repairs and/or cleaning to the existing sea wall including expansion joints, tie backs, sheet pile, fenders, cleats, and bollards/chains. The storm water drainage system must be replaced and reconfigured. New storm penetrations to the existing sea wall bulkhead will be required. Electrical transformers are to be relocated and new electrical systems must be installed. The existing rest rooms and playground are to be demolished. A new roof is required for the

Pavilion and a new restrooms/maintenance building will be constructed. Charles Street and Scott Street will be reconfigured to accommodate new traffic patterns. New walks, walls, and planters will consist of “tabby” and/or brick pavers, in a combination of patterns. Existing brick pavers will be removed, cleaned, and reused in the new configuration. A new playground will be constructed. Existing large trees will be preserved and supplemented with new landscaping and a new irrigation system. Site materials/furniture including benches, tables, chairs, swings, pavers, and light poles/luminaries-must be installed. The work must be sequenced to allow the hosting of the Water Festival to occur in areas of the park in July 2005, and full park access for the Contractor can resume August 2005. It is anticipated the work will be substantially complete by May 2006. Cost of construction is anticipated to be between \$4 and \$7 million.

Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid advertisement for this project.

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City of Beaufort will use these documents as the basis of rating Contractors in respect to the size and scope of the Henry C. Chambers Waterfront Park Reconstruction Project, and select which Contractors are qualified to bid. The City of Beaufort reserves the right to check other sources available. The City of Beaufort decision will be based on objective evaluation criteria.

The City of Beaufort reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the City of Beaufort in determining bidder responsibility prior to bid and to aid the City of Beaufort in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City of Beaufort from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

The pre-qualification packages should be submitted under seal and marked “CONFIDENTIAL” to City Manager, City of Beaufort, P.O. Drawer 1167, Beaufort, SC 29901. Contractors may submit pre-qualification packages by mail or during regular working hours on any day that the offices of the City of Beaufort are open. Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than ten (10) business days after submission of the information.

The pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. The names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must

immediately notify the City of Beaufort and provide updated accurate information in writing, under penalty of perjury.

The City of Beaufort reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

The City of Beaufort may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by the date specified in first paragraph. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering notice to The City of Beaufort of its appeal of the decision with respect to its pre-qualification rating, no later than ten business days prior to the closing time for the receipt of bids for this public works project. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the City of Beaufort, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after the City of Beaufort's receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by a panel to whom the City of Beaufort has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for the City of Beaufort's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision, which will be final. It is the intention of the City of Beaufort that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

Note: A Contractor may be found not pre-qualified for bidding on a specific public works contract to be let by Public Entity, or on all contracts to be let by Public Entity until the Contractor meets Public Entity's requirements. In addition, a Contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

* * * * *

NOTICE: To contractors who are using subcontractors for this job, please be advised that the City of Beaufort requires Pre-qualification of all subcontractors. The Subcontractor Pre-Qualification Application may be submitted with Contractor's or independently.

City of Beaufort, South Carolina

Contractor's Pre-Qualification Application

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation _____

(as it appears on license)

Partnership _____

Sole Prop. _____

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company: _____

Contractor License Number(s): _____

1.0 ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “No.”

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “Yes.” If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. ***Contractor possesses a valid and current South Carolina Contractor’s license for the project for which it intends to submit a bid.***

Yes No

2. ***Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.***

Yes No

3. ***Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code.***

Yes No

Contractor is exempt from this requirement, because it has no employees... Yes No

4. ***Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?***

Yes No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. ***Have you attached a notarized statement from an admitted surety insurer and authorized to issue bonds in the State of South Carolina, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?***

Yes No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

6. Has your Contractor's license been revoked at any time in the last five years?

Yes No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract?

Yes No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last five years, has your firm, or any of its owner's or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

2.0 RECENT CONSTRUCTION PROJECTS COMPLETED

Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years. In addition, please include information about any projects, directly relevant to the type of work described for the Henry C. Chambers Waterfront Park Reconstruction Project, that would not appear in the projects requested above. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

- ◆ Project Name:
- ◆ Location:
- ◆ Owner:
- ◆ Owner Contact (name and current phone number):
Architect or Engineer:
- ◆ Architect or Engineer Contact (name and current phone number):
- ◆ Construction Manager (name and current phone number):
- ◆ Description of Project, Scope of Work Performed:
- ◆ Total Value of Construction (including change orders):
 - Total Value of Construction Performed by Contractor:
 - Total Value of Construction Performed by Subcontractors:
- ◆ Original Scheduled Completion Date:
- ◆ Time Extensions Granted (number of days):
- ◆ Actual Date of Completion:

3.0 ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

3.1 Current Organization and Structure of the Business

3.1.1 For Firms That Are Corporations:

- ◆ Date incorporated:
- ◆ Under the laws of what state:
- ◆ Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- ◆ 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

3.1.2 For Firms That Are Partnerships:

- ◆ Date of formation: _____
- ◆ Under the laws of what state: _____
- ◆ Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- ◆ Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.1.3 For Firms That Are Sole Proprietorships:

- ◆ Date of commencement of business.
- ◆ Social security number of company owner.
- ◆ Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

3.1.4 For Firms That Intend to Make a Bid as Part of a Joint Venture:

- ◆ Date of commencement of joint venture.
- ◆ Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

3.2 History of the Business and Organizational Performance

1. *Has there been any change in ownership of the firm at any time during the last three years?*

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

Yes No

If “yes,” explain on a separate signed page.

2. *Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?*

NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If “yes,” explain on a separate signed page.

3. *Are any corporate officers, partners or owners connected to any other construction firms.*

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If “yes,” explain on a separate signed page.

4. *State your firm's gross revenues for each of the last three years:*

5. *How many years has your organization been in business in South Carolina as a Contractor under your present business name and license number?*

_____ years

6. *Is your firm currently the debtor in a bankruptcy case?*

Yes No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

7. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 6)

Yes No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

3.2.1 Licenses

1. List all South Carolina construction license numbers, classifications and expiration dates of the South Carolina Contractor licenses held by your firm:

2. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the records who meet(s) the experience and examination requirements for each license.

3. Has your firm changed names or license number in the past five years?

Yes No

If “yes,” explain on a separate signed page, including the reason for the change.

4. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?

Yes No

If “yes,” explain on a separate signed page, including the reason for the change.

5. Has any license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

If “yes,” please explain on a separate signed sheet.

3.2.2 Disputes

- 1. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?**

Yes No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

- 2. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?**

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

- 3. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?**

Yes No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another Contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is

between a sub- contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

4. *In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration?*

Yes No

If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

5. *In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?*

Yes No

If “yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

6. *At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?*

Yes No

If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

7. *In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?*

Yes No

If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of refusal.

3.2.3 Criminal Matters and Related Civil Suits

- 1. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?***

Yes No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

- 2. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?***

Yes No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

- 3. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?***

Yes No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

3.2.4 Bonding

- 1. Bonding capacity: Provide documentation from your surety identifying the following:***

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

- 2. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.***

- 3. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:***

4. *During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?*

Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies, which denied coverage; and the period during which you had no surety bond in place.

3.3 Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

1. *Has SC OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?*

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

2. *Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?*

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If “yes,” attach a separate signed page describing each citation.

3. *Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or*

the owner of a project on which your firm was the Contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If “yes,” attach a separate signed page describing each citation.

4. *How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?*

5. *List your firm's Experience Modification Rate (EMR) (workers' compensation insurance) for each of the past three premium years:*

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

6. *Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?*

Yes No

If “yes,” please explain the reason for the absence of workers' compensation insurance on a separate signed page. If “No,” please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

* * * * *

I, the undersigned, certify and declare that I have read all the foregoing answers to this Pre-Qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of South Carolina, that the foregoing is correct.

Name: _____

Position with Company: _____

Date: _____