

**CITY OF RICHMOND
DEPARTMENT OF PROCUREMENT SERVICES
RICHMOND, VIRGINIA
(804) 646-5716
October 24, 2014**



**Request for Qualification M15-102314
Westhampton Pumping Station Improvements**

**Due Date: November 14, 2014
Time: 3:30P.M.**

Receipt Location: City Hall, 900 East Broad Street, 11th floor, Room 1104

Request for Proposal Prepared by:

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Title: Contract Specialist

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City of Richmond, Department of Procurement Services

900 East Broad Street, Room 1104, Richmond, VA 23219

<http://www.richmondgov.com/Procurement/BidsProposals.aspx>

RFQ Form dated 01-11-2012

Signature Sheet

My signature certifies that the qualifications as submitted complies with all Terms and Conditions as set forth in RFQ M15-102314.

My signature also certifies that this firm has no business or personal relationships with any other companies or persons that could be considered as a conflict of interest or potential conflict of interest to the City of Richmond, and that there are no principals, officers, agents, employees, or representatives of this firm that have any business or personal relationships with any other companies or persons that could be considered as a conflict of interest or a potential conflict of interest to the City of Richmond, pertaining to any and all work or services to be performed as a result of this request and any resulting contract with the City of Richmond.

I hereby certify that I am authorized to sign as a Representative for the Firm:

Complete Legal Name of Firm: _____

Order from Address: _____

Remit to Address _____

Fed ID No.: _____

***Virginia License Number** _____

Dun & Bradstreet _____

D-U-N-S Number _____

Signature: _____

Name (type/print): _____

Title: _____

Telephone: (____) _____ **Fax No.:** (____) _____

EMAIL: _____

Date: _____

To receive consideration for qualification award, this signature sheet should be return to the Department of Procurement Services as it shall be a part of your response.

* Please note that state law requires most business entities to register with the Commonwealth of Virginia’s State Corporation Commission to obtain legal authorization to transact business in Virginia. A contractor organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law. Any business entity described above that enters into a contract with the City shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of the contract. The City may void any contract with a business entity if the business entity fails to remain in compliance with this provision.

**CITY OF RICHMOND, VIRGINIA
DEPARTMENT OF PROCUREMENT SERVICES**

REQUEST FOR QUALIFICATIONS

1.0 Overview.

1.1 Purpose of Request for Qualifications. The purpose of this Request for Qualifications is to obtain from interested bidders (“Applicants”) their applications for prequalification (“Qualification Statements”) so that the City may establish a list of bidders prequalified to submit bids for the construction of the City’s Westhampton Pumping Station Improvements Project (the “Project”).

1.2 Two-Step Process. The City will employ a two-step procurement procedure for selection and award of a contract for a contractor for construction of the Project, as follows:

1.2.1 Step One. Step One includes the submission and evaluation of Qualification Statements pursuant to this Request for Qualifications to determine those prospective bidders with capabilities and programs that meet the minimum requirements for this Project. The City will conduct the prequalification as required by City Code § 74-50(g) (which is substantially similar to Va. Code § 2.2-4317(B)).

1.2.2 Step Two. Step Two includes the solicitation of bids submitted by bidders prequalified in Step One pursuant to an Invitation for Bids. If the Applicant is not prequalified in Step One, the Applicant will not be allowed to submit a bid for this Project. The City will award a contract in accordance with the requirements of City Code § 74-59 based on the evaluation of bids received from selected prequalified bidders.

1.3 Background. The project includes but is not limited to making improvements to the existing Westhampton Pumping Station that include, but are not limited to; replacement of three pumping units, two new AFD type variable speed drives, one constant speed motor starter, one replacement AFD type variable speed drive unit, new pump control and SCADA system, station access door improvements, replacement station piping and valves, outside piping and valve improvements, work in City streets, site work, and restoration of all disturbed areas.

This project has an estimated construction cost between \$1,500,000 and \$3,000,000.

2.0 General Instructions.

2.1 Incorporation of City Laws, Policies and Procedures. This Request for Qualifications is subject to the provisions of Chapter 74 of the City Code, as amended, and the Policies and Procedures of the Department of Procurement Services, as amended, which are hereby

expressly incorporated into this Request for Qualifications by reference. Applicants may inspect copies of these documents at the City’s website, www.RichmondGov.com.

2.2 **Explanations to Applicants.**

2.2.1 **Inquiry.** All inquiries requesting clarification of this Request for Qualifications should be made in writing no later than seven business days prior to the date set for receipt of Qualification Statements to the person (the “Contracting Officer”) identified on the cover sheet of this Request for Qualifications. If submitting an inquiry by facsimile transmission, the Applicant should notify the Contracting Officer by telephone that the Applicant is faxing the inquiry. All inquiries should clearly state the number of this Request for Qualifications. Because each Applicant may have different needs for information, that Applicant must make whatever inquiries it deems necessary in order to respond to the Request for Qualifications. Inquiries that the Contracting Officer determines to be pertinent to all solicited Applicants will be answered by addenda to all Applicants known to have received this Request for Qualifications.

2.2.2 **Form of Explanation.** No oral explanation in regard to the meaning of this Request for Qualifications will be made and no oral instructions will be given before the determinations of prequalification. Any explanation, interpretation or modification of the Request for Qualifications that is pertinent to all Applicants will be made only by an addendum duly issued by the City, a copy of which will be transmitted to each Applicant known to have received the Request for Qualifications. The City shall not be responsible for any other explanations or interpretations anyone presumes to make on behalf of the City before the expiration of the ultimate time set for the receipt of Qualification Statements.

2.2.3 **Addenda.** From time to time, addenda may be issued that will provide clarifications or supplemental information about the Request for Qualifications documents. All Applicants receiving Request for Qualifications documents issued by the City will be provided copies of addenda. All addenda will become a part of this Request for Qualifications at the time the City issues each such addendum. The Applicant shall be solely responsible for verifying the existence of and complying with all addenda items.

2.3 **No Contact Policy.** Any contact with any City representative concerning this Request for Qualifications other than that outlined in section 2.2 (“Explanations to Applicants”) above is prohibited.

2.4 **No Liability for Costs.** The City shall not be liable for any costs incurred by the Applicant or any other person in connection with the preparation or submission of Qualification Statements or any other materials pursuant to this Request for Qualifications.

2.5 **Accuracy and Completeness.** By signing and submitting a Qualification Statement pursuant to this Request for Qualifications, the Applicant represents that the information contained in such Qualification Statement is true, accurate and complete at the time of submission and warrants that such information will remain true, accurate and complete

throughout the life of the prequalification process, the procurement process and any contract awarded to the Applicant pursuant thereto.

2.6 **Notification of Changes.** By signing and submitting a Qualification Statement pursuant to this Request for Qualifications, the Applicant acknowledges that the Applicant is solely responsible for notify the Contract Specialist in writing immediately of any changes in the information contained in the Qualification Statement. If the City finds that the Applicant has failed to so notify the Contract Specialist, the Applicant shall be deemed to have failed to provide to the City in a timely manner information requested by the City, and such failure shall constitute sufficient grounds for the City to deny prequalification to such Applicant pursuant to City Code § 74-50(g)(7).

2.7 **Misrepresentation.**

A. If the City finds that the Applicant has knowingly misrepresented any information the Applicant submits to the City, the Applicant shall be deemed to have failed to provide to the City in a timely manner information requested by the City, and such failure shall constitute sufficient grounds for the City to deny prequalification to such Applicant pursuant to City Code § 74-50(g)(7).

B. By issuing this Request for Qualifications, the City intends that MBE/ESB participation proposed as a part of the Qualification Statement be binding on the Applicant if and when the City awards a contract to the Applicant. If the City finds that the Applicant has knowingly misrepresented proposed MBE/ESB participation submitted with the Applicant's Qualification Statement, the Applicant shall be deemed to have failed to make or propose to make Good Faith Efforts as required by City Code § 74-50(b), and such failure shall constitute sufficient grounds for the City to deny prequalification to such Applicant pursuant to City Code § 74-50(g)(8).

2.8 **MBE/ESB Participation.**

2.8.1 **Policy.** It is the policy of the City of Richmond to increase the number of Minority Business Enterprises ("MBEs") and Emerging Small Businesses ("ESBs") (together, "MBE/ESB contractors" or "MBE/ESB subcontractors") who participate meaningfully in all City construction contracts. To this end, the City encourages all prime contractors to use good faith efforts to increase the participation of MBE/ESB subcontractors to the highest level that is reasonably achievable for any particular field of contracting.

2.8.2 **Meaning of "Good Faith Efforts."** Good faith efforts include, but are not limited to, (i) meeting the MBE/ESB participation goal set for the Project, (ii) joint venture arrangements or mentor/protégé relationships with MBE/ESB contractors, or (iii) any verifiable efforts that contribute to the growth and development of MBE/ESB contractors in the construction industry, and (iv) ensuring that subcontractors make good faith efforts in lower tier subcontracting. Ways to document evidence of good faith efforts include:

A. Describe efforts to target identified divisions of work identified in the specifications.

- B. Explain why other divisions of work were not suitable for subcontracting.
- C. Attend the pre-bid meeting.
- D. Send or fax letters to all MBE/ESB contractors at the pre-bid meeting as well as those on the list provided by staff not less than seven days prior to the deadline for the submission of Qualification Statements.
- E. Provide a telephone log of follow-up phone calls made to MBE/ESB contractors concerning the Project, including dates and times of calls, names of individuals placing and receiving calls and results of the calls.
- F. Provide a written statement indicating good faith negotiations with any competitive MBE/ESB bids and specifically identify the MBE/ESB subcontractors.
- G. Include a complete list of all MBE/ESB bids received, noting name, address and bid amount.
- H. Provide all reasons for rejected bids.
- I. State whether any bonding requirement was waived and, if not, why.

2.8.3 **Project Goal.** The City continues to incorporate inclusive procurement diversity practices into an economic policy. As such, the staff takes special care to identify MBE/ESB contractors within the context of the nature and scope of each project and to assess potential MBE/ESB availability in Richmond's geographic market area. After careful review of the project requirements and the availability of potential contractors, the proposed goal for the Project is **twenty** percent (20%). The City may change the goal established for this Project prior to the deadline for submission of bids under Step Two of this procurement process.

2.8.4 **Assistance in Meeting Goals.** The Office of Minority Business Development will work to support the efforts of all Applicants seeking to meet the City's goals for MBE/ESB participation. A listing of MBEs and ESBs in the Richmond-Petersburg Metropolitan Statistical Area is available on the City's website (www.RichmondGov.com). Applicants should contact the Contracting Officer with any questions or comments regarding the proposed MBE/ESB goal for the Project.

2.9 **Submission.**

- A. Qualification Statements must be received and time-stamped at the offices of the Department of Procurement Services no later than 3:30 p.m. Eastern Time on November 14, 2014. The City will not accept late Qualification Statements. Qualification Statements received after the time and date set forth in this section will be returned unopened at the Applicant's expense.

- B. The Applicant must submit an original (marked as such) and seven copies of the Applicant's Qualification Statement signed by the Applicant's contractually binding authority. Failure to comply with any submission requirements may result in denial of prequalification.
 - C. The Applicant must submit its Qualification Statement in a sealed container with a label on the outside showing the following information:
 - 1. Qualification Statement for: Westhampton Pumping Station Improvements Project
 - 2. Name of Applicant
 - 3. Address of Applicant
 - 4. RFQ No. M15-102314
 - 5. Receipt and Closing Date November 14, 2014 at 3:30 p.m. ET
 - D. All Qualification Statements must be addressed and delivered by the date and time specified on the cover sheet of this Request for Qualifications to the Contracting Officer.
- 2.10 **Proprietary Information.** All Qualification Statements submitted under this solicitation will become the property of the City and will not be returned. However, if the Applicant checks the "Proprietary Information" box on the cover sheet submitted, the Applicant will be deemed to have requested, as allowed by City Code § 74-50(d), that all information voluntarily submitted by the Applicant pursuant to this Request for Qualifications be considered a trade secret or proprietary information subject to City Code § 74-5(f). If the Applicant so requests, the City will return such proprietary information after the award of the contract or contracts resulting from this Request for Qualifications.
- 2.11 **Cancellation of Request for Qualifications.** The City may cancel this Request for Qualifications as deemed by the City in its sole discretion to be in the best interest of the City.
- 3.0 **Qualification Statements.** The Qualification Statement must be signed by an authorized representative of the Applicant. The Qualification Statement must be typed, bound, and presented in sections separated by tabs as described in the paragraphs that follow. Each copy of the Qualification Statement shall be bound in a single volume where practical. All documentation submitted with the Qualification Statement shall be included in that single bound volume. Elaborate brochures and other representations beyond those required to present a complete and effective Qualification Statement are neither required nor desired. Pages in the submittal must be consecutively numbered. To be considered substantive and responsive, the Qualification Statement must address all requirements of this Request for Qualifications. Information supplied must be current and up-to-date. Any other information thought to be relevant, but not specifically applicable to the categories enumerated within this section 3.0 ("Qualification Statement"), should be provided as an appendix to the Qualification Statement. If the Applicant supplies publications in response

to a requirement, the response must include a reference to the document number and page number. Publications provided without this reference will be considered to be not relevant to this Request for Qualifications. Qualifications should be prepared simply and economically, providing a straightforward, concise description of the Applicant's capabilities to complete the Project. The emphasis should be on completeness and clarity of content. The Qualification Statement must include all the information defined in this section 3.0 ("Qualification Statement") and be organized as follows: (i) signed cover sheet, (ii) transmittal letter and (iii) qualifications organized into the tabs as provided below.

3.1 **Tab 1 – General Information.** This tab must include all of the following information:

- A. The Applicant's name.
- B. The Applicant's mailing address.
- C. The Applicant's street address, if different from the mailing address.
- D. The Applicant's contact person.
- E. The Applicant's contact person's telephone number.
- F. The Applicant's contact person's facsimile transmission number.
- G. The Applicant's contact person's electronic mail address.
- H. The Applicant's state contractor's license number.
- I. The Applicant's designated employee registered with the Virginia Board for Contractors.
- J. The type of the Applicant's organization (e.g., corporation, partnership, individual, or joint venture) and the following information as applicable:
 - 1. If a corporation:
 - a. The state of incorporation;
 - b. The date of incorporation;
 - c. The Federal I. D. number;
 - d. The name and years in position of the president, vice president, secretary and treasurer; and
 - e. Whether the corporation is a Subchapter S corporation.

3. If a limited liability company:
 - a. The state in which the limited liability company is organized;
 - b. The date organized;
 - c. A list of all managers of the limited liability company, including the name, telephone number and years as a manager for each manager; and
 - d. A list of all members, including the name, telephone number, years as a member and membership interest for each member.
3. If a partnership:
 - a. The state in which the partnership was formed;
 - b. The date organized;
 - c. The type of partnership; and
 - d. A list of all general partners, including the name, telephone number, years as a general partner and partnership interest for each general partner.
4. If individually owned, the number of years in business.
- K. Whether the Applicant has ever operated under another name and, if so, the other name, the number of years in business under this other name, and the state license number under this name.
- L. If the organization is a subsidiary or affiliate of another organization, the name and address of each parent or affiliate organization.
- M. The following statement, signed by the Applicant's contractually binding authority:

The Applicant for prequalification, by submitting its Qualification Statement, certifies and represents that the information that the Applicant provides in response to this Request for Qualifications is accurate and complete as of the date of such submission. If the Applicant provides no information in response to any of the requirements of this Request for Qualifications, then the Applicant, by submitting its Qualification Statement, certifies and represents that such requirements do not apply because no information exists that would respond to the requirement. The Applicant further covenants that, during the time between the submission of its Qualification Statement and the City's issuance of a decision prequalifying or not prequalifying the Applicant, the Applicant will furnish the City with any changes or additions to such information necessary to ensure that this information remains accurate, complete and up-to-date.

3.2 **Tab 2 – Financial Ability.** Bonding will be required to ensure performance of the contract for the Project and the payment of subcontractors. This tab must include a letter from a surety company (i) confirming that the surety company is listed in the United States Department of the Treasury’s Circular 570, (ii) confirming that the surety company is licensed to transact surety business in the Commonwealth of Virginia and (iii) confirming that the Applicant can secure bonding from the surety company for this Project in an amount equal to or greater than the amount established by the City. A certificate indicating bonding limits only is not acceptable. Failure to provide all of the information required under this tab creates a presumption that the Applicant does not have sufficient financial ability to perform the contract for the Project.

3.3 **Tab 3 – Judgments.** This tab must state whether the Applicant’s organization, or any officer, director or owner thereof, has had judgments entered against it or them within the last ten years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management. If such judgments have been entered against it or them, the Applicant must include in this tab the following information for each judgment:

- A. The person or entity against whom judgment was entered;
- B. The style of the case (e.g., *plaintiff v. defendant*) in such a way that the name of the plaintiff and the name of the defendant are stated clearly;
- C. The case number and name of the highest court in which the case was heard;
- D. The date of the final judgment in the case;
- E. A description of the nature of the breach of contract;
- F. The relationship of the defendant to the Applicant (if the defendant is not the Applicant); and
- G. Contact information (including names, addresses and telephone numbers) of persons who can provide additional information.

3.4 **Tab 4 – Convictions and Debarment.**

3.4.1 **Convictions.** This tab must state whether the Applicant’s organization (including any predecessor entity), or any officer, director, owner, project manager, procurement manager or chief financial official thereof, has:

- A. Ever been fined or adjudicated of having failed to abate a citation for building code violations by a court or local building code appeals board.
- B. Ever been found guilty on charges relating to conflicts of interest.

C. Ever been convicted on criminal charges relating to governmental or nongovernmental contracting, construction, bidding, bid rigging or bribery.

D. Ever been convicted under:

1. Chapter 74, Article VIII (§§ 74-341—74-352) of the Code of the City of Richmond or Chapter 43, Article 6 (§§ 2.2-4367—2.2-4377) of the Code of Virginia;
2. The Virginia Governmental Frauds Act (Va. Code §§ 18.2-498.1—18.2-498.5);
3. Title 59.1, Chapter 4.2 (§§ 59.1-68.6—59.1-68.8) of the Code of Virginia;
4. Section 40.1-49.4 of the Code of Virginia; or
5. Any substantially similar law of the United States or another state.

3.4.2 **Debarment.** This tab must state whether the Applicant's organization (including any predecessor entity), or any officer, director, owner, project manager, procurement manager or chief financial official thereof, is currently debarred from doing federal, state or local government work for any reason.

3.4.3 **Information to Be Provided.** For each instance of conviction or debarment stated under this tab, the Applicant shall provide, as applicable:

- A. The person or entity against whom judgment was entered;
- B. The style of the case (e.g., *jurisdiction v. defendant*) in such a way that the name of the prosecuting jurisdiction and the name of the defendant are stated clearly for a conviction or the name of the jurisdiction for a debarment;
- C. The case number and name of the highest court in which the case was heard;
- D. The date of the final order in the case or the date of the debarment;
- E. The law or laws the violation of which the defendant was convicted or the reasons for the debarment;
- F. The relationship of the defendant or debarred party to the Applicant (if the defendant or debarred party is not the Applicant); and
- G. Contact information (including names, addresses and telephone numbers) of persons who can provide additional information.

3.5 **Tab 5 – Compliance.**

A. This tab must indicate the following:

1. Whether the Applicant's organization (including any predecessor entity) has ever been terminated on a contract for cause;
2. Whether the Applicant's organization (including any predecessor entity), within the last five years, has made payment of actual damages or liquidated damages (or both) for failure to complete a project by the contracted date;
3. Whether the Applicant's organization (including any predecessor entity), within the last three years, has received a final order for willful or repeated (or both) violations for failure to abate issued by the United States Occupational Safety and Health Administration, the Virginia Department of Labor and Industry or any other government agency; and
4. Whether any surety has ever paid any performance bond claim or payment bond claim (or both) on behalf of the Applicant's organization (including any predecessor entity).

B. For each instance in subsection (A) above, the Applicant must:

1. State the date of the termination, order or payment;
2. Describe the project involved;
3. Explain the circumstances relating to the termination, order or payment; and
4. Provide contact information (including names, addresses and telephone numbers) of persons who can provide additional information.

3.6 **Tab 6 – Experience.**

3.6.1 **General Experience with Projects of Similar Scale and Complexity**

Submit thorough descriptions of projects that your firm served as the General Contractor, responsible for the coordination of all trades. For each project include the following:

- a. The team you assigned to each project including project management and site supervision.
- b. Contract total dollar values, change order values and reasons for the change orders.
- c. A summary of the trades associated with the project.
- d. Owner's project manager's name and contact information including an accurate and up to date phone number and email.
- e. Engineer's construction management project manager's information including an accurate and up to date phone number and email.
- f. The year(s) the project was performed.

3.6.2 **Specific Experience on Similar Projects**

Submit thorough descriptions of projects that your firm served as the General Contractor, responsible for the coordination of all trades. For each project include the following:

- a. A description of similarities as the project relates to pump and variable frequency drive construction requiring piping and appurtenance, SCADA and coordination with operations groups.
- b. The team you assigned to the project including Project Management and Site Supervision.
- c. Contract total dollar values, change order values and reasons for the change orders.
- d. A summary of the trades associated with the projects.
- e. Owner's project manager's name and contact information including an accurate and up to date phone number and email.
- f. Engineer's construction management project manager's information including an accurate and up to date phone number and email.
- g. The year(s) the project was performed.

3.6.3 **References**

Please include your firm's references from projects of similar scale and complexity, as well as projects similar to the Westhampton Pump Station contract. Also include references from the owner's project manager and the engineer's project manager.

3.6.4 **Specific Project Team Assigned to this Project**

Please include the team that you will assign to this project. Include resumes, credentials, experience with pump station and PLC based SCADA projects for each team member. Also, include references for each team member.

3.7 **Tab 7 – MBE/ESB Participation.** This tab must include documentation to demonstrate evidence of the Applicant's past and proposed good faith efforts as described in section 2.8 ("MBE/ESB Participation"). In completing the M/ESB-1:RFQ form, Applicants should remember that proposed goals are not limited to first, second and third tier subcontracting. Successful prime contractors have also applied creatively viable methods such as mentor/protégé relationships and supply purchases to meet MBE/ESB participation goals. The prime contractor is responsible for ensuring that MBE/ESB subcontractors perform commercially useful work at the level of the contract commitment. The Applicant's documentation may include past good faith efforts on non-City projects as well as documentation provided by other organizations or localities on the Applicant's behalf. Also, this tab must include a MBE/ESB utilization plan for this Project. There are two components to an MBE/ESB utilization plan. First, the Applicant must provide a statement consistent with the City's proposed goal for this Project that includes the percentage and dollar amount of the Project that the Applicant intends to subcontract and the percentage and dollar amount of the Project that the Applicant proposes to subcontract to MBE/ESB subcontractors. If the Applicant proposes a goal different from the City's proposed goal, the Applicant must provide a statement of the reason for doing so. This statement must be accompanied by a demonstration of the Applicant's good faith efforts to achieve reasonable

MBE/ESB participation on this Project. Finally, all forms (e.g., the Minority Business Enterprise and Emerging Small Business Participation Commitment Form for Prequalification for Request for Qualification, the MBE/ESB Past Good Faith Efforts Participation Form and the Good-Faith Minority Business Enterprise and Emerging Small Business Participation Efforts Documentation of Contacts form) must be signed and included in this tab.

4.0 **Evaluation Process.**

4.1 **Opening of Qualification Statements.** At the designated time for receipt of Qualification Statements, the Department of Procurement Services will open and list the Qualification Statements for the record. This is not a public opening. The City reserves the right to request additional information that does not have a material effect on the Qualification Statement to assist in evaluating the Qualification Statement. Failure to respond by the time designated will be grounds for denial of prequalification, pursuant to City Code § 74-50(g)(7).

4.2 **Evaluation of Qualification Statements.** During the evaluation phase, the City will evaluate Qualification Statements to determine which Applicants are suitable for prequalification. This review is in three parts. First, the City will evaluate the financial ability, judgments, convictions, debarments and substantial noncompliance with contracts of the Applicant. Second, the City will evaluate the experience of the Applicant. Third, the City will evaluate the MBE/ESB participation submissions of the Applicant. These evaluations will be made as described below in this section. The City may request clarification on specific matters presented in the Application. The Applicant's failure to respond to such requests by the time designated may result in the denial of prequalification pursuant to City Code § 74-50(g)(7).

4.2.1 **Evaluation of Financial Ability, Judgments, Convictions, Debarments and Substantial Noncompliance with Contracts.**

4.2.1.1 **Financial Ability.** The City will evaluate the Applicant's response under Tab 2 (see section 3.2). A letter from a surety company that does not meet all of the requirements of section 3.2 ("Tab 2 – Financial Ability") or the absence of a letter meeting such requirements may be grounds for denial of prequalification, at the City's sole discretion, after review and consideration of the dates, amounts, facts and circumstances, pursuant to City Code § 74-50(g)(1).

4.2.1.2 **Judgments.** Pursuant to City Code § 74-50(g)(3), any judgments, whether one or more, entered against the Applicant's organization, or any officer, director or owner thereof, within the last ten years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management, may be grounds for denial of prequalification, at the City's sole discretion, after review and consideration of the dates, amounts, facts and circumstances, including, but not limited to, those submitted under Tab 3 (see section 3.3).

4.2.1.3 **Convictions.** Pursuant to City Code § 74-50(g)(5), any of the following with regard to the Applicant’s organization (including any predecessor entity), or any officer, director, owner, project manager, procurement manager or chief financial official thereof during the past ten years, may be grounds for denial of prequalification, at the City’s sole discretion, after review and consideration of the dates, facts and circumstances, including, but not limited to, those submitted under Tab 4 (see section 3.4):

- A. Conviction on charges relating to conflicts of interest;
- B. Conviction on charges relating to any criminal activity relating to contracting, construction, budding, bid rigging or bribery; or
- C. Conviction under:
 - 1. Chapter 74, Article VIII (§§ 74-341—74-352) of the Code of the City of Richmond or Chapter 43, Article 6 (§§ 2.2-4367—2.2-4377) of the Code of Virginia;
 - 2. The Virginia Governmental Frauds Act (Va. Code §§ 18.2-498.1—18.2-498.5);
 - 3. Title 59.1, Chapter 4.2 (§§ 59.1-68.6—59.1-68.8) of the Code of Virginia;
 - 4. Section 40.1-49.4 of the Code of Virginia; or
 - 5. Any substantially similar law of the United States or another state.

4.2.1.4 **Debarments.** Pursuant to City Code § 74-50(g)(6), if the Applicant’s organization (including any predecessor entity), or any officer, director, owner, project manager, procurement manager or chief financial official thereof during the past ten years has been debarred by any agency or political subdivision of the Commonwealth of Virginia, by any agency of the United States or by any agency or political subdivision of another state, such debarment may be grounds for denial of prequalification, at the City’s sole discretion, after review and consideration of the dates, facts and circumstances, including, but not limited to, those submitted under Tab 4 (see section 3.4).

4.2.1.5 **Substantial Noncompliance with Contracts.** Pursuant to City Code § 74-50(g)(4), the City, at the City’s sole discretion, after review and consideration of the dates, facts and circumstances, including, but not limited to, those submitted under Tab 5 (see section 3.5), may deny prequalification if the Applicant has been in substantial noncompliance with the terms and conditions of prior construction contracts with the City without good cause or, if the City has not contracted with the Applicant in any prior construction contracts, if the Applicant has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause; provided that the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto was given to the Applicant at that time, with the opportunity to respond. The following constitute substantial noncompliance with prior construction contracts under the preceding sentence:

- A. The Applicant in the last three years has received a final order for failure to abate or for a willful violation by the United States Occupational Safety and Health Administration or by the Virginia Department of Labor and Industry or any other government agency;
- B. The Applicant has paid liquidated damages for failure to complete a project by the contracted date on more than two projects in the last five years;
- C. The Applicant has paid actual damages resulting from failure to complete a project by the contracted date on more than two projects in the last five years;
- D. The Applicant has been terminated for cause on a contract in the last five years;
- E. The Applicant was more than 30 days late, without good cause, in achieving the contracted substantial completion date where there was no liquidated damage provision on more than two projects in the last three years;
- F. The Applicant has received more than two cure notices on a single project in the past two years or more than one cure notice on five separate projects in the past five years (or both);
- G. The Applicant has had repeated instances on a project of installation and workmanship deviations which exceed the tolerances in the standards referenced in the contract documents, provided that documentation of such instances shall be the written reports and records of the owner's representatives on the project;
- H. The Applicant has finally completed a project more than 90 days after achieving substantial completion on two or more projects in the last three years for reasons within the Applicant's control; provided that documented delay of delivery of material necessary to perform remaining work or seasonal conditions that bear on performing the work or operating specific equipment or building systems shall be considered in mitigation; or
- I. The Applicant has had performance or payment bond claims paid on its behalf in the past three years.

4.2.2 **Evaluation of Experience.** The City will evaluate the responses submitted under Tab 6 (see section 3.6) of the Qualification Statements to determine whether the Applicant has appropriate experience to perform the Project. The City will use the following evaluation criteria and maximum point values in ranking Applicants. Any Applicant who does not receive a score of at least 70 out of the 100 available points will be deemed to not have appropriate experience to perform the Project and will be denied prequalification pursuant to City Code § 74-50(g)(2).

- A. General Experience with Projects of Similar Scale and Complexity **30 points**

- (see Section 3.6.1)
- B. Specific Experience on Similar Projects **40 points**
(see Section 3.6.2)
- C. References **10 points**
(see Section 3.6.3)
- D. Specific Project Team Assigned to this Project **20 points**
(see Section 3.6.4)

Total Points Available: 100 points

4.2.3 Evaluation of MBE/ESB Participation.

- A. The City’s Office of Minority Business Development will score the information presented under Tab 7 (see section 3.7) of the Applicant’s Qualification Statement with regard to past and proposed good faith efforts on a scale of one to 100.
- B. Pursuant to section 74-50(g)(8) of the City Code, an Applicant that fails to make or propose to make good faith minority business enterprise and emerging small business participation efforts or to receive a score of at least 50% of the possible MBE/ESB participation efforts percentage points shall not be prequalified to bid on or be awarded the contract.
- C. An Applicant’s past performance with regard to its MBE/ESB participation efforts will be considered in the prequalification process.
- D. The City reserves the right to accept or reject any proposed goals. However, in configuring its proposed MBE/ESB participation goal, the Applicant will be awarded points for undertaking proven business development strategies as an element of this Project. If the Applicant has a bona fide joint venture with a MBE or ESB contractor, is legitimately mentoring a MBE or ESB contractor, is covering the bonding for a MBE or ESB contractor, or is providing apprenticeship opportunities, the Applicant will receive additional points in the evaluation of this criterion.

4.3 Notification of Prequalification Decisions. At least 30 calendar days prior to the date established for submission of bids under the procurement of the contract to which this prequalification applies, the City shall advise in writing each Applicant that submitted a Qualification Statement whether that Applicant has been prequalified. The City, in the City’s sole discretion, reserves the right to deny prequalification to any Applicant for any reason to the extent permitted by City Code § 74-50(g). In the event that an Applicant is denied prequalification, the written notification to such Applicant shall state the reasons for such denial of prequalification and the factual basis of such reasons. Any Applicant denied prequalification may appeal such determination as provided in City Code § 74-186.

A decision by the City denying prequalification shall be final and conclusive unless the Applicant appeals the decision as provided by City Code § 74-186.

END OF REQUEST FOR QUALIFICATIONS