

PROJECT MINUTES

Project:	New Peebles Elementary School	Project No.:	15041
Prepared by:	Joel Seeley	Meeting Date:	5/24/2017
Re:	Bidder Prequalification Subcommittee Meeting	Meeting No:	1
Location:	Veterans Memorial Community Center	Time:	6:00pm
Distribution:	Attendees (MF)		

Attendees:

PRESENT	NAME	AFFILIATION
✓	James L. Potter	Chairman, School Building Committee
✓	William Meier	Building Trade Expert
✓	Paul O'Keefe	Local Official Responsible for Building Maintenance
✓	Kent Kovacs	FAI, Architect
	Bill Beatrice	FAI, Architect
✓	Joel Seeley	SMMA, OPM

Item #	Action	Discussion
1.1	Record	Call to Order, 6:00 PM, meeting opened.
1.2	Record	A motion was made by P. O'Keefe and seconded by J. Potter to appoint W. Meier as chair of the committee. No discussion, motion passed unanimous by those attending.
1.3	P. O'Keefe	J. Seeley distributed and reviewed the Prequalification Schedule, attached. Committee Discussion: 1. P. O'Keefe to confirm attendance at the 8/3/2017 Bidder Prequalification Subcommittee Meeting
1.4	Record	J. Seeley distributed and reviewed the Guidelines for Prequalification of General Contractors and Subcontractors to Work on Public Building Construction Projects, attached.
1.5	Committee members	J. Seeley distributed and reviewed the Draft RFQs for General Contractors and Subcontractors. Each Committee member to review for next meeting.
1.6	Record	Next Meeting: June 8, 2017 at 6:30 pm at the Bourne Veteran's Memorial Community Center.
1.7	Record	A Motion was made by P. O'Keefe and seconded by J. Potter to adjourn the meeting. No discussion, voted unanimously.

Project: New Pebbles Elementary School

Meeting Date: 5/24/2017

Meeting No.: 1

Page No.: 2

Attachments: Agenda, Prequalification Schedule, Guidelines for Prequalification of General Contractors and Subcontractors to Work on Public Building Construction Projects, Draft RFQs for General Contractors and Subcontractors

The information herein reflects the understanding reached. Please contact the author if you have any questions or are not in agreement with these Project Minutes

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**BIDDER PREQUALIFICATION SUBCOMMITTEE
SIGN-IN SHEET**

Project: Peebles Elementary School Feasibility Study Project No.: 15041
 Prepared by: Joel Seeley Meeting Date: 5/24/2017
 Re: Bidder Prequalification Subcommittee Meeting Meeting No: 1
 Location: Veterans Memorial Community Center Time: 6:00pm
 C.O.A. Conference Room
 Distribution: Attendees, (MF)

SIGNATURE	ATTENDEES	EMAIL	AFFILIATION
	James L. Potter	onsetjp@juno.com	Chairman, School Building Committee
	William Meier	Dusty22752@aol.com	Building Trade Expert
	Paul O'Keefe	mmachief@gmail.com	Member, Facilities and Maintenance Expert
	Kent Kovacs	kkovacs@flansburgh.com	Flansburgh Architects
	Bill Beatrice	bbeatrice@flansburgh.com	Flansburgh Architects
	Joel Seeley	jseeley@smma.com	SMMA

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Agenda

Project: New Peebles Elementary School
Re: Bidder Prequalification Subcommittee Meeting
Prepared by: Joel G. Seeley
Distribution: Attendees (MF)

Project No.: 15041
Meeting Date: 5/24/2017
Meeting Time: 6:00 PM

1. Call to Order
2. Elect Subcommittee Chair
3. Review Prequalification Schedule and Milestones
4. Review "Guidelines for Prequalification of General Contractors and Subcontractors to Work on Public Building Construction Projects"
5. Review Draft RFQs for General Contractors and Subcontractors
6. Next Meeting
7. Adjourn

Note: Durations in working days

ID	Task Name	Duration	Start	Finish	2014	2017	2020
1	RETAIN OPM	58 days	3/18/2015	6/8/2015			
7	RETAIN DESIGNER	85 days	5/27/2015	9/23/2015			
17	FEASIBILITY STUDY (FS)	218 days	9/15/2015	7/20/2016			
34	SCHEMATIC DESIGN (SD)	80 days	7/20/2016	11/9/2016			
41	PROJECT SCOPE AND BUDGET	81 days	10/17/2016	2/7/2017			
48	DESIGN DEVELOPMENT	79 days	12/7/2016	3/27/2017			
57	CONSTRUCTION DOCUMENTS	166 days	3/8/2017	10/27/2017			
58	60% Construction Documents for OPM and Cx Review	43 days	3/8/2017	5/5/2017			
59	Develop 60% Construction Documents for Estimator	43 days	3/8/2017	5/5/2017			
60	Incorporate MSBA DD Comments	10 days	3/28/2017	4/10/2017			
61	OPM and Cx Review	10 days	5/5/2017	5/18/2017			
62	60% Construction Documents Cost Estimate	10 days	5/5/2017	5/18/2017			
63	Value Engineering	6 days	5/18/2017	5/25/2017			
64	60% Construction Documents Submission to MSBA	0 days	6/6/2017	6/6/2017	017	◆ 60% Constr	
65	MSBA Review	15 days	6/6/2017	6/26/2017			
66	Develop 90% Construction Documents to Estimator	45 days	6/7/2017	8/9/2017			
67	90% Construction Documents for OPM and Cx Review	45 days	6/7/2017	8/9/2017			
68	Incorporate MSBA 60% CD Comments	10 days	6/28/2017	7/12/2017			
69	OPM and Cx Review	11 days	8/10/2017	8/24/2017			
70	90% Construction Documents Cost Estimate	11 days	8/10/2017	8/24/2017			
71	Value Engineering	6 days	8/24/2017	8/31/2017			
72	90% Construction Documents Submission to MSBA	0 days	9/5/2017	9/5/2017	2017	◆ 90% Const	
73	MSBA Review	15 days	9/6/2017	9/26/2017			
74	100% Construction Documents	25 days	9/6/2017	10/10/2017			
75	Incorporate MSBA 90% CD Comments	10 days	9/27/2017	10/10/2017			
76	MA-CHPS Design Submission	14 days	10/10/2017	10/27/2017			
77	SITE PERMITTING	85 days	3/1/2017	6/27/2017			
78	Bourne Zoning Board of Appeals - Height Variance	85 days	3/1/2017	6/27/2017			
79	Prepare Application Documents	32 days	3/1/2017	4/13/2017			
80	Submit Application Package	0 days	4/13/2017	4/13/2017	017	◆ Submit App	
81	Public Hearing	0 days	5/24/2017	5/24/2017	017	◆ Public Hear	
82	ZBA Issues Variance Approval and File with Town Clerk	10 days	5/25/2017	6/7/2017			
83	Appeal Period	15 days	6/7/2017	6/27/2017			
84	Bourne Planning Board - Site Plan Review	71 days	3/1/2017	6/7/2017			
85	Prepare Application Documents	32 days	3/1/2017	4/13/2017			
86	Submit Site Plan Review Package	0 days	4/13/2017	4/13/2017	017	◆ Submit Site	
87	Public Hearing	0 days	5/24/2017	5/24/2017	017	◆ Public Hear	
88	Planning Board Issues Site Plan Approval and File with Town Clerk	10 days	5/25/2017	6/7/2017			
89	PROCUREMENT	78 days	5/11/2017	8/29/2017			
90	Prequalification	78 days	5/11/2017	8/29/2017			
91	Develop Draft RFQs (GCs and Subcontractors)	11 days	5/11/2017	5/25/2017			
92	Appoint Prequalification Committee	0 days	5/11/2017	5/11/2017	017	◆ Appoint Pre	
93	Prequalification Committee Meeting: Review Draft RFQ	0 days	5/25/2017	5/25/2017	017	◆ Prequalifica	
94	Prequalification Committee Meeting: Review Final RFQ	0 days	6/8/2017	6/8/2017	017	◆ Prequalifica	
95	Submit Prequalification Advertisement (Central Register and Local Newspaper)	0 days	6/13/2017	6/13/2017	017	◆ Submit Pre	
96	Notice in Central Register	0 days	6/21/2017	6/21/2017	017	◆ Notice in C	
97	GCs and Subs Develop SOQs	19 days	6/21/2017	7/18/2017			
98	RFQ Informational Meeting	0 days	6/28/2017	6/28/2017	017	◆ RFQ Inform	
99	Submit SOQs	0 days	7/18/2017	7/18/2017	017	◆ Submit SO	
100	Review SOQs	23 days	7/18/2017	8/17/2017			
101	Prequalification Committee Meeting: Review SOQs	0 days	8/3/2017	8/3/2017	017	◆ Prequalifica	
102	Prequalification Committee Meeting: Review SOQs	0 days	8/17/2017	8/17/2017	017	◆ Prequalifica	
103	Recommend Prequalified GCs and Filed Subcontractors to SBC	0 days	8/24/2017	8/24/2017	017	◆ Recommen	
104	Issue Notification Letters to Prequalified GCs and Subcontractors	4 days	8/24/2017	8/29/2017			
105	Submit Bid Advertisement (Central Register and Local Newspaper)	0 days	9/26/2017	9/26/2017	2017	◆ Submit Bid	
106	Bid Advertisement Notice in Central Register	0 days	10/4/2017	10/4/2017	2017	◆ Bid Advert	
107	Filed Subcontractors Bidding	21 days	10/10/2017	11/7/2017			
108	General Contractor Bidding	11 days	11/7/2017	11/21/2017			
109	General Contractor Award	6 days	11/21/2017	11/28/2017			
110	CONSTRUCTION	513 days	11/28/2017	11/29/2019			

The Commonwealth of Massachusetts

**Executive Office
for
Administration & Finance**



Division of Capital Asset Management

GUIDELINES FOR PREQUALIFICATION

OF

GENERAL CONTRACTORS

AND

SUBCONTRACTORS

TO WORK ON PUBLIC BUILDING CONSTRUCTION PROJECTS

April 2008

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Part One: General Overview of Prequalification Process

I. Preface

The Division of Capital Asset Management (DCAM) hereby issues its *Guidelines for Prequalification of General Contractors and Subcontractors* (hereinafter referred to as "*Prequalification Guidelines*") to assist public awarding authorities, owner's project managers, architects, general contractors, subcontractors and all entities and individuals involved in public building construction projects in the Commonwealth of Massachusetts.¹

The *Prequalification Guidelines* are intended to be informational for the purpose of providing guidance and assistance to awarding authorities, general contractors and subcontractors who are either administering the prequalification process or seeking prequalification for a particular project under M.G.L. c. 149, §§ 44D $\frac{1}{2}$ and 44D $\frac{3}{4}$ and 810 CMR §§ 9.00 and 10.00. Therefore, where a conflict exists between the *Prequalification Guidelines* and M.G. L. c. 149 §§ 44D $\frac{1}{2}$ and 44D $\frac{3}{4}$ or 810 CMR §§ 9.00; 10.00, priority shall always be given to the General Laws and Code of Massachusetts Regulations.

II. Definitions

A. General Definition of Prequalification. Prequalification is part of a new two-phased procurement process utilized by public awarding authorities, on a project-by project basis, which enables public awarding authorities to limit the "bidding pool" to general contractors and subcontractors who they deem qualified to do the work.

1. **Request for Qualifications (RFQ) Phase.** The awarding authority issues an RFQ and reviews the information submitted by general contractors and subcontractors to determine if they are qualified bidders.
2. **Bidding Phase.** Only "prequalified" bidders are invited to submit a bid on the Building Project.

B. Statutory and Regulatory Definitions. The following statutory and regulatory definitions from M.G.L. c. 149 §§ 44D $\frac{1}{2}$ and 44D $\frac{3}{4}$ and 810 CMR §§ 9.00; 10.00 are repeated and incorporated herein by reference:

1. **Awarding Authority**, a "public agency" as defined in M.G.L. c. 149, §44A undertaking a Building Project.

¹ DCAM reserves the right to revise and amend these guidelines and procedures at any time, without prior notice.

2. **Bondable**, a written determination made by a Surety Company, as defined herein, regarding a particular general contractor or subcontractor, as defined herein, that based on the information known at the time issued by the Surety Company that it would approve the issuance of payment and performance bonds for 100% of the estimated contract value of a Building Project, as defined herein, on behalf of that general contractor or subcontractor, if the general contractor or subcontractor is prequalified by the awarding authority and ultimately awarded the a contract on the Building Project.
3. **Building Project**, any project for the construction, reconstruction, installation, demolition, maintenance or repair, of a public building.
4. **Certificate of Eligibility**, a certificate issued annually by DCAM, pursuant to M.G.L. c. 149, §44D and in accordance with 810 CMR §§ 4.02 and 4.09. All general contractors and subcontractors, as defined herein, desiring to perform work on public Building Projects must obtain such Certificate of Eligibility from DCAM.
5. **Commissioner**, the Commissioner of the Division of Capital Asset Management and Maintenance (“DCAM”).
6. **Commitment Letter**, a written communication from a Surety Company submitted by the general contractor or subcontractor as part of its Statement of Qualifications that states that the Surety Company has determined the general contractor or subcontractor to be Bondable, if the general contractor or subcontractor is prequalified and ultimately awarded the la contract on the Building Project.
7. **Designer**, the design firm for the Building Project.
8. **Evaluation Report**, a report prepared by the Prequalification Committee after it has completed its deliberations which indicates a general contractor’s or subcontractor’s prequalification score in each of the evaluation categories and subcategories set forth in the Request for Qualifications.
9. **Exempt Public Awarding Authorities**, DCAM, the Massachusetts Port Authority, the Massachusetts Water Resources Authority, the Massachusetts State College Building Authority, and the University of Massachusetts Building Authority.
10. **General Contractor**, a general bidder or prime bidder, engaged in the business of construction, reconstruction, demolition, installation, maintenance, or repair of buildings, seeking prequalification from

an Awarding authority to submit a general bid for a designated public Building Project in accordance with M.G.L. c. 149, § 44E.

11. **Guidelines**, written standards, policies, and procedures for the prequalification of General Contractors and subcontractors by an Awarding authority issued by the Commissioner.
12. **Non-exempt Public Awarding Authorities**, all public awarding authorities other than the “exempt public awarding authorities”.
13. **Owner’s Project Manager (“OPM”)**, an individual or firm contracted, retained or designated by the awarding authority who will act as the Awarding authority’s agent in managing a public Building Project on behalf of the awarding authority in accordance with the requirements set forth in M.G.L. c. 149, § 44A½.
14. **Request for Qualifications (“RFQ”)**, a request published by an awarding authority as required by M.G.L. c. 149, §§44D½ and 44D¾ soliciting information regarding the qualifications and competency of general contractors and subcontractors.
15. **Statement of Qualifications**, an application form, prescribed by an awarding authority and required to be completed by interested general contractors and subcontractors responding to an RFQ. The Statement of Qualifications shall include any schedules and supporting documents, which are required to be completed and submitted by a general contractor or subcontractor in response to an RFQ.
16. **Subcontractor**, a filed sub-bidder, engaged in the business of one or more of the sub-trades identified in M.G.L. c. 149, § 44F(1), seeking prequalification in a particular trade or trades from an awarding authority to submit a filed sub-bid for such trade or trades, on a designated public Building Project in accordance with M.G.L. c. 149, § 44F.
17. **Surety Company**, a surety company which is licensed to do business in the Commonwealth and whose name appears on the United States Treasury Department Circular 570.
18. **Update Statement**, a form developed by DCAM, as defined in 810 CMR 4.01, to be completed by a general contractor and subcontractor and submitted with all bids pursuant to M.G.L. c. 149, § 44A through J and M.G.L. c. 149A. The Update Statement requires information, including, but not limited to, information on all of the general contractor’s or subcontractors Building Projects in progress and Building Projects completed by the general contractor

or subcontractor since the issuance date of the general contractor's or subcontractor's current Certificate of Eligibility.

III. Statutory Origin of Prequalification

A. Special Commission on Construction Reform

By way of background, Section 12 of the Chapter 55 of the Acts of 2003 provided authority for the Legislation to form a "Special Commission on Construction Reform". Specifically, Section 12 provided that:

There shall be a special commission to investigate, study and make legislative recommendations on the adequacy and efficiency of laws and regulations governing public construction projects. The commission shall consist of 20 members²...The commission shall file a report on the results of its study, together with its recommendations, if any, and drafts of legislation necessary to carry such recommendations into effect, with the clerks of the house of representatives and the senate not later than January 15, 2004.

Prequalification evolved out of the recommendations of the Special Commission.

B. Enactment of the Construction Reform Law

After a year of deliberations, the Special Commission ultimately proposed a legislative package of reforms to the public construction process which was approved by the General Court. Ultimately, Chapter 193 of the Acts of 2004, entitled "An Act Further Regulating Construction in the Commonwealth" was enacted on July 19, 2004 (*Construction Reform Law*) and provided the most comprehensive reforms to public construction contracting in decades.

² Representation on the Special Commission was mandated as follows: 1 of whom shall be appointed by the governor; ***3 members of the senate;***3 members of the house of representatives;***the commissioner of capital asset management and maintenance; the inspector general; the chairperson of the Massachusetts Municipal Association or his designee; the president of the Massachusetts Building Trades Council or his designee; the president of the Associated General Contractors of Massachusetts or his designee; the president of the Building Trades Employers Association or his designee; the president of Associated Subcontractors of Massachusetts or his designee; the president of Construction Industries of Massachusetts or his designee; the president of the Massachusetts AFL-CIO or his designee; the president of Women in the Building Trades or his designee; the president of the New England Chapter of the National Association of Minority Contractors or his designee; the president of the Massachusetts Chapter of Associated Builders and Contractors or his designee and the executive director of the Boston Society of Architects or his designee.

Prior to the enactment of the *Construction Reform Law*, awarding authorities were limited to the selection of the “lowest responsible and eligible bidder” with the only option for rejection of the lowest bid being a determination that that bidder was not deemed a “responsible” or “eligible” bidder. The result was often the lowest bidder getting the job, but unable to perform the work in the most skilled and cost efficient manner.

The establishment of a prequalification process for general contractors and subcontractors in Section 19 of the *Construction Reform Law* was one of the most significant changes that evolved out of the Special Commission. Section 19 amends M.G.L. c. 149 by adding two new sections, M.G.L. c. 149, §§44D¹/₂ and 44D³/₄ intending to provide public awarding authorities with a new tool to screen general contractors and subcontractors performing work on public construction projects. Sections 44D¹/₂ and 44D³/₄ set forth the parameters of the new statutory prequalification process to be utilized by Awarding Authorities administering prequalification and by general contractors and subcontractors seeking to be prequalified to perform work on a public construction project in the Commonwealth. A copy of the *Construction Reform Law* as adopted in 2004 can be found at the following link: [insert web link address for new law]

IV. Mandatory v. Discretionary Prequalification

The *Construction Reform Law* provides that *Prequalification* is mandatory in certain instances and discretionary in others. The “estimated construction cost” for a particular building project is the barometer by which an awarding authority must determine whether its project is subject to mandatory or discretionary prequalification.

- A. When is Prequalification Mandatory?** Where the estimated construction cost is not less than \$10 million, M.G.L. c. 149 §§44D¹/₂ and 44D³/₄ mandates that all Awarding Authorities MUST “prequalify” both general contractors and subcontractors to perform work on public building projects. The **ONLY** exception to this new rule is for the Exempt Awarding Authorities defined in Section II herein³.
- B. When is Prequalification Discretionary?** Where the estimated construction cost is greater than \$100,000, but less than \$10 million, the awarding authority has the discretion to decide if it wants to utilize prequalification on a building project.

The discretion afforded to the awarding authority for building projects of this size allows it to elect to “prequalify”:

³Exempt Awarding Authorities still have the discretion to utilize prequalification for any project, but they are just not required to do so.

- both general contractors and subcontractors;
- only general contractors;
- only subcontractors;
- certain subcontractors; or
- any combination thereof.

In the context of a building project where prequalification is deemed “discretionary”, an awarding authority should still give serious consideration to utilizing prequalification with at least the general contractor and key trades which are essential to the success of the building project. This is because prequalification arms the awarding authority with a tool beyond selecting the “lowest responsible bidder” to select the best qualified general contractor and subcontractors to perform work on the particular Building Project.

While it is acknowledged that there will be additional time and administrative burdens on the awarding authority where prequalification is utilized, the benefits of selecting higher caliber general contractors and subcontractors for the building project should ideally recover the impact of any such administrative burdens by “raising the bar” with the increased quality and efficiency obtained by selecting prequalified general contractors and subcontractors to perform the work.

C. Exempt Awarding Authorities. Notwithstanding the threshold amounts for mandatory and discretionary prequalification, the Construction Reform Law exempts certain awarding authorities from mandatory prequalification and allows such Awarding Authorities the discretion to elect to use prequalification if it deems appropriate. These exempt awarding authorities are as follows:

- Division of Capital Asset Management
- MassPort
- MWRA
- Massachusetts State Colleges Building Authority
- University of Massachusetts Building Authority

V. Understanding the Distinction Between DCAM Certification and Prequalification

Since the enactment of the *Construction Reform Law*, there has been confusion between the new prequalification requirements set forth in M.G.L. c. 149 §§ 44D ½ and 44D¾ and the new requirement for filed sub-bidders to be DCAM Certified as of January 1, 2006. See M.G.L. c. 149 §44D. It is critical for all participants in

public construction contracting to fully understand the difference between these new requirements.

A. DCAM Certification In A Nutshell

DCAM Certification is an annual review conducted by DCAM to determine whether a general contractor or sub-bidder is eligible to perform public construction work in the Commonwealth.

Prior to the enactment of the *Construction Reform Law*, *DCAM Certification* was only required for Prime or general contractors. Under the *Construction Reform Law*, however, *DCAM Certification* will be required as of January 1, 2006 for all filed sub-trades identified in M.G.L. c. 149, § 44F seeking to perform work on public building projects.

DCAM has established minimum threshold financial and performance requirements which are required to become "DCAM Certified". Each year, applicants for *DCAM Certification* are required to submit a standard application (with certain required attachments) for consideration by DCAM. DCAM evaluates the information submitted by the applicant general contractors and filed sub-bidders as well as evaluations of their performance submitted by awarding authorities for which they have previously worked to make a determination as to whether the applicant general contractor or filed sub-bidder has the requisite financial capacity and experience to be "DCAM Certified" to work on public building projects. If, upon review of the required business experience and financial information required, DCAM deems a general contractor or subcontractor to be certified, then DCAM will issue the general contractor or subcontractor a "Certificate of Eligibility" evidencing its certified status and will include the general contractor or subcontractor on its list of certified firms.

In the amendments to M.G.L. c. 149, §44D included in the Construction Reform Law, DCAM was required to promulgate regulations pertaining to the new requirement for subcontractor certification. In developing the new procedures for the implementation of subcontractor certification, DCAM also prescribed some changes to the existing certification requirements for general contractors and prime contractors. As a result, the following regulations and guidelines governing the certification process (copies of which are all available on DCAM's website at the following link www.mass.gov/cam):

- 810 CMR §4.00 - Certification of Contractors and Sub-Bidders To Bid on Public Building Construction Contracts Pursuant to M.G.L. c. 149, §§ 44A Through 44J and M.G.L. c. 149A

- 810 CMR §8.00 – Awarding Authority Responsibility for Evaluation of Contractors' Performance on Public Building Projects Bid Pursuant to M.G.L. c. 149, §§ 44A Through 44J and M.G.L. c. 149A
- Certification Guidelines and Procedures for Prime/General Contractors and Awarding Authorities
- Certification Guidelines and Procedures for Sub-bidders and Awarding Authorities

In summary, the DCAM Certification process is an annual “snap shot” of prime/general contractors and sub-bidders to determine if they meet the minimum requirements to engage in work on public building contracts.

B. *Prequalification In A Nutshell*

By contrast, prequalification is a **project by project** review conducted by **individual awarding authorities** for a particular project to identify a pool of general contractors and subcontractors with sufficient skill and experience to perform work on that particular project. While *DCAM Certification* is a mandatory prerequisite to prequalification, it is only one of the threshold requirements. Therefore, there may be instances where a *DCAM Certified* general contractor or subcontractor is not ultimately *Prequalified* for a specific project because it does not meet the additional statutory criteria. Or, there may be instances where a general contractor or subcontractor is *Prequalified* by one awarding authority for one project, but not *Prequalified* by the same or other awarding authority for a different project. Also, it should be noted that the prequalification of an interested general contractor or subcontractor by an awarding authority for a particular project does not guarantee that the prequalified general contractor or subcontractor will be deemed a responsible and eligible bidder as defined in M.G.L. c. 149, §44A.

In addition to the prequalification Guidelines herein, DCAM has promulgated the following regulations and standard forms governing the prequalification process (copies of which are all available on DCAM's website at the following link www.mass.gov/cam):

- 810 CMR §9.00 – Prequalification of General Contractors to Bid on Public Building Contracts Pursuant to M.G.L. c. 149, §§ 44A through 44J.
- 810 CMR §10.00 – Prequalification of Subcontractors to Bid on Public Building Contracts Pursuant to M.G.L. c. 149, §§ 44A through 44J.

- *Standard Forms for General Contractor Prequalification* (Exhibit A, attached hereto);
- *Standard Forms for Subcontractor Prequalification* (Exhibit B, attached hereto)
- Standard Evaluation form for General Contractor Prequalification (Exhibit C, attached hereto)
- Standard Evaluation form for Subcontractor Prequalification (Exhibit D, attached hereto).

Part Two: Guidelines For Awarding Authorities Utilizing Prequalification

I. Key Considerations for Awarding Authorities Conducting Prequalification – Areas of Discretion

The prequalification process set forth in the Construction Reform Law provides awarding authorities with an opportunity to identify skilled and qualified general contractors and subcontractors **BEFORE** putting a project “out for bid” so they can “weed out” general contractors and subcontractors who are not sufficiently skilled or qualified in the type of work required by the project. As intended, prequalification limits those bidding on a public construction project to those general contractors and subcontractors who have been prequalified by the awarding authority to do so.

The use of prequalification by an awarding authority, whether mandatory or discretionary, DOES NOT, however, give awarding authorities unfettered discretion in the administration of the prequalification process. Instead, by dictating the specific evaluation categories and subcategories upon which awarding authorities **MUST** base the evaluations of interested general contractors and subcontractors it limits the extent of such discretion to only 3 distinct aspects of the prequalification process as follows:

- A. The allocation of points and weight assigned for each of the required statutory evaluation subcategories. Note that while the Construction Reform Law specifies the point allocation for each of the evaluation categories (i.e. “Management Experience” category is required to have 50 points; “Capacity to Complete” category is required to have 30 points and “References” category is required to have 20 points) the Construction Reform Law does not dictate the specific point allocations among the required subcategories in each of those categories. Such allocation is within the discretion of the awarding authority, PROVIDING that the allocation is stated up front in the RFQ and is not changed during the evaluation process. The awarding authority DOES NOT have any

discretion to change such allocation of points in the subcategories once the point allocations have been provided for in the RFQ. See Part Two, Section III(C) herein. (See also, M.G. L. c. 149, §§ 44D¹/₂(e)(1) and 44D³/₄(e)(1) and Section VI (C) Exhibits A and B attached hereto).

- B. The definition of “similar project experience” for the specific project at issue. The awarding authority has the discretion to define “similar project experience” as narrowly or as broadly as it deems appropriate for the project at hand. The goal of the awarding authority should be to strike a balance between making the definition too narrow, thereby eliminating good contractors who may not have the specific narrowly defined experience prescribed versus making the definition too broad, thereby opening the flood gates to contractors that may not have the requisite skill and experience to undertake the project. See Part Two, Section III herein. (See also, M.G.L. c. 149, §§ 44D¹/₂ (e)(1)(iii) and 44D³/₄ (e)(1)(iii); Section VI (C)(1)(c) of Exhibits A and B attached hereto).
- C. The actual evaluation of the responses to the RFQ and determination. Absent fraud or collusion, the prequalification Committee for the awarding authority has the discretion to evaluate the responses to the RFQ from interested general contractors and interested subcontractors in order to determine which of those firms shall be prequalified to bid on the project. See Part Two, Section III herein.

Effective and strategic utilization of the aforementioned three (3) areas of discretion afforded to the awarding authority are the key to a successful prequalification process. Therefore, it is essential for awarding authorities to understand how to initiate the prequalification process while being mindful of how to best utilize these 3 areas of discretion available to them.

II. Essential Early Steps for Awarding Authorities Initiating Prequalification

A. Determine Whether Prequalification Is Mandatory or Discretionary for Your Project

It is essential in the early stages of a building project that the awarding authority work closely with its designer, owner’s project manager (OPM), and project team to develop the best total estimated construction cost possible for the building project. Based on the estimate construction cost for the building project, the awarding authority may determine whether prequalification is mandatory or discretionary as set forth in Part One, Section V above. Where prequalification may be discretionary, the awarding authority may want to review the complexity of the project as a whole or in the context of particular trades to determine if prequalification may be advantageous for a particular building project.

B. Establishment of the Prequalification Committee

As soon as possible after an awarding authority determines that prequalification will be utilized on a particular building project (whether mandatory or discretionary), the awarding authority must establish the prequalification committee. M.G.L. c. 149 §§ 44D¹/₂ and 44D³/₄ and 810 CMR §§9.03 and 10.03 require that the prequalification committee have only 4 members: 3 representatives from the awarding authority and 1 representative from the designer. The specific requirements for the prequalification committee representatives are as follows:

1. **Selection of Awarding Authority Representatives/OPM:** M.G.L. c. 44A¹/₂ provides that if the building project requires an Owner's Project Manager (OPM) then the OPM (whether an employee of the awarding authority or third party) **MUST** fill 1 of the 3 awarding authority seats on the prequalification committee. The awarding authority has total discretion with respect to the selection of its other 2 representatives, but those selected should be the individuals who have the most knowledge about the project and who will be involved in its day to day oversight and management. Awarding Authorities engaging in the prequalification process for a particular building project should give careful consideration to the selection of its representatives to the prequalification committee in order to ensure the evaluations are given appropriate consideration.
2. **Selection of Designer Representative:** M.G.L. c. 149, §44D¹/₂ and §44D³/₄ require that 1 member of the prequalification committee be a representative from the design firm for the building project. The appointment of the design firm representative is subject to the following conditions:
 - a. **Minimum Requirements for Designer Representative.** In order to ensure that the design representative is sufficiently familiar with requirements of the Building Project to evaluate general contractors and subcontractors for prequalification, 810 CMR §9.04(3)(b) further requires that the design firm representative be:

“an individual person employed by the design firm for the Project who actually prepared the design documents for the Awarding Authority and is familiar with the Building Project requirements or who will be the design firm's designated representative for the Building Project”.

b. **Approval of Awarding Authority.** Notwithstanding the requirements in 810 CMR §9.04(3)(b) set forth above, the design firm representative is also subject to the approval of the awarding authority. Therefore, the awarding authority can reject the person designated by the designer to sit on the prequalification committee.

3. **Appointment of Chairperson.** Although not required by statute, once formed, the Awarding Authority is encouraged to appoint a chairperson of the prequalification committee. The purpose of appointing a chairperson is to be sure that one person is coordinating the administration of the prequalification process. The chairperson should be one of 3 representatives of the awarding authority and may either be appointed by the awarding authority or agreed upon by the members of the prequalification committee. The appointment of a chairperson is an administrative function only and does not empower the chairperson with any special authority with respect to the prequalification process and deliberations of the prequalification committee.

C. Scope of Work Considerations for Contracts with OPM/Designer

The *Construction Reform Law* requires the OPM and a representative from the design firm to be appointed to the prequalification committee and assist the awarding authority in conducting the prequalification process. The statute is silent, however, with regard to the specific scope of work and compensation issues that have arisen with respect to this new role of the OPM and designer in the prequalification process. This is potentially problematic in that the scope of work and compensation sections of existing standard contracts between Awarding Authorities and OPMs or Designers do not adequately address the added scope of work made necessary by prequalification. Prudent contracting practices demand that Awarding Authority's clarify the respective roles of the OPM and designer in their contracts up front, including the identification of specific tasks required, so there is no resulting dispute regarding the additional costs of these services.

Therefore, in contracting with the designer and OPM on building projects where prequalification is expected to be utilized, the following recommendations are provided in accordance with the prequalification regulations codified at 810 CMR §9.00 and 810 CMR §10.00 (http://www.mass.gov/cam/Creform/Cert_Prequal_Regulations.pdf):

1. **OPM Scope of Work Considerations.** M.G.L. c. 149 §44A½ specifically states that OPMs are to provide the awarding authority with advice and consultation throughout the prequalification process. As such, the awarding authority should also be careful to include this and all other statutorily defined duties of the OPM in the

section of the contract entitled "Scope of Work". . 810 CMR §9.04(3)(a)(3); 810 CMR § 10.04(3)(a)(3).

2. **Designer Contract Considerations.** Similarly, as set forth in 810 CMR §9.04(3)(b)(3) and 810 CMR § 10.04(3)(b)(3), whenever possible, the prequalification services and cost of the same should be included in scope of work of the designer delineated in the design contract. This is to protect the awarding authority from incurring unexpected and costly fees for the statutorily mandated tasks in the prequalification process. While an awarding authority may not know at the early stage in the building project whether prequalification is to be utilized, it should be cognizant of the fact that prequalification may be required and structure the solicitation for the design firm accordingly to include the potential for prequalification services. Best practices would call for the prequalification services and fees for conducting the same to be included in the scope of services provided for in the design contract so as to avoid the characterization of such services as "additional services".

D. Preparing the RFQ and Required Forms for Prequalification.

Once the prequalification committee has been established, the focus of the prequalification committee should be the completion of the DCAM Standard Forms for Prequalification (which includes the Notice of RFQ, the RFQ, the RFQ Interest Form, and the Statement of Qualifications response form). If the Awarding Authority has already prepared DRAFTS of these forms, the prequalification committee should be given an opportunity to review the DRAFTS and finalize these DRAFTS with any necessary changes or edits BEFORE the RFQ is advertised in accordance with Section III below.

III. Preparing the Prequalification Package

A. General Information/Location of DCAM Standard Forms.

As set forth in 810 CMR §§ 9.05, 9.06 and 810 CMR §§ 10.05, 10.06, DCAM has developed two "standard form" packages for *Prequalification* entitled "*Standard Forms for General Contractor Prequalification*" and "*Standard Forms for Subcontractor Prequalification*". Copies of these standard form packages are attached hereto as Exhibits A and B, respectively, and available electronically on DCAM's website at www.mass.gov/cam.

The DCAM standard forms incorporate the statutory evaluation categories and subcategories. In using the standard DCAM forms, it is important to understand that:

- The standard form packages are “generic” and need be customized by each awarding authority with project specific information relating to the project before issuing to interested general contractors and subcontractors. It is important that the project specific information be easily identified for review and response by interested general contractors and subcontractors.
- There are distinctions between the *Standard Forms for General Contractor Prequalification* and *Standard Forms for Subcontractor Prequalification*. Therefore, awarding authorities are cautioned not to use them interchangeably since the forms for general contractors and subcontractors mirror the discreet differences in the statutory submission requirements for general contractors versus subcontractors. Such distinctions are noted as necessary herein.

B. RFQ Interest Form

As part of the Standard Forms for Prequalification included in Exhibits A and B attached hereto, DCAM has included an “RFQ Interest Form”. The intent of this form is to allow interested general contractors and subcontractors to be notified if there are any changes in the project that might impact prequalification. Prior to issuing the RFQ, the awarding authority should customize this form to include project specific information and instructions as to where it should be submitted by interested general contractors and subcontractors that wish to be advised of pre-bid changes in the project. The failure of an interested general contractor or subcontractor to submit an RFQ Interest Form should not preclude it from consideration for prequalification if it responds to the RFQ in accordance with the requirements provided therein.

C. RFQ – Customizing For Your Project

Both the Standard RFQ form for general contractors and subcontractors developed by DCAM are divided into seven sections (Sections I through VII). Sections I through VI of the RFQ must be completed by the Awarding Authority PRIOR to issuing the RFQ in order to provide notice to interested general contractors and subcontractors regarding specific project information and details of the administrative aspects of the prequalification process.

A description of and instructions on each section of the standard RFQ form is as follows below.

- **Section I of the RFQ: General Project Information.** This section is intended to provide very general information to interested general contractors and subcontractors. Using an electronic version of DCAM's RFQ form, Awarding Authorities should insert into the RFQ form the following general information:
 - Name of Awarding Authority
 - Project No.
 - Project Name
 - Project Location
 - Project Description
 - RFQ Informational Meeting (if applicable)
 - Optional Site Visit (if applicable)
 - Submission Deadline
 - Submission Address
 - Estimated Construction Cost
 - Estimated Project Duration
 - Name of Owners' Project Manager
 - Name of Project Architect
 - Any Project Specific Requirements (i.e. PLA, MBE, WBE, etc.)

- **Section II of the RFQ: Detailed Project Description.** This section of the RFQ is where the awarding authority has the opportunity to describe its project and outline the expected scope of work. In order to get the best quality responses to the RFQ, Awarding Authorities are advised to provide as much substantive detail about the project as possible in this section of the RFQ.

- **Section III of the RFQ: General Instructions.** This section of the RFQ is where the awarding authority provides notice of the prequalification process and requirements to interested general contractors and subcontractors. It is important for the awarding authority to detail instructions in all of the following areas as set forth in DCAM's standard RFQ forms:
 - **Contents of Statement of Qualifications Package.** In this subsection of the RFQ, the awarding authority must provide notice of all required forms that must be submitted by interested general contractors and subcontractors in order to be considered for prequalification.

 - **Submission Deadline.** In this subsection of the RFQ, the awarding authority must provide notice to interested general contractors and subcontractors of the submission deadline and requirements. While the deadline for Submission is indicated generally in *Section I*, the awarding authority issuing the RFQ should indicate all required details and

instructions for the actual submission of responses here.

- **Required Exterior Label for SOQ Application Package Envelope.** In this subsection of the RFQ, the awarding authority must provide notice to interested general contractors and subcontractors of any specific references required on the labels of the SOQ packages submitted for consideration.
- **RFQ Informational Meeting specifics (if applicable).** If the awarding authority intends to conduct an informational meeting prior to the RFQ submission deadline, notice of the date, time and location of that meeting should be included in this subsection of the RFQ.
- **Optional Site Visit specifics (if applicable).** If the awarding authority intends to conduct an optional site visit prior to the RFQ submission deadline, notice of the date, time and location of that visit should be included in this section of the RFQ.
- **Reviewing/Availability of Contract Documents.** For the majority of projects, Awarding Authorities need not allow interested general contractors or subcontractors to review drawings, specifications and other contract documents during the prequalification *process*. To the extent they are completed and available for review, however, it may be beneficial to allow interested general contractors and subcontractors to review in order to increase interest in the project. If such review is to be permitted, however, it should provide notice of the same in this subsection of the RFQ.
- **Notice of Subcontractor Prequalification.** Where an awarding authority is prequalifying all or some subcontractors, notice of the specific subcontractors to be prequalified should be indicated in this subsection of the RFQ. This should be included in both the general contractor RFQ and the subcontractor RFQ so that there is no confusion as to the subcontractor trades subject to prequalification on the project at issue. For example, if the project requires mandatory prequalification, the list of all subcontractor trades utilized on the project subject to prequalification pursuant to M.G.L. § 44D ¾ should be clearly indicated. Similarly, where the project is subject to discretionary prequalification and the awarding authority is electing to prequalify only certain trades for the project, those trades should be clearly indicated in the RFQ.

- **Additional Instructions.** To the extent that there are any special instructions or additional information necessary for the prequalification process, Awarding Authorities must provide notice of the same in this subsection of the RFQ.
- **Section IV of the RFQ: Overview Of Prequalification Process.** The purpose of this section of the RFQ is to provide notice to interested general contractors and subcontractors that prequalification is being utilized on the project and that the RFQ is being issued pursuant to M.G.L. c. 149, § 44D½ and/or § 44D¾. It must be clearly stated that interested general contractor or subcontractor firms wanting to provide services for the construction of the project described in *Section I and Section II* MUST submit a SOQ in response to this RFQ to the awarding authority as instructed in *Section III and Section VII*.
- **Section V of the RFQ: Administration/Schedule For Prequalification Process.** In this section of the RFQ, the awarding authority must provide notice to interested general contractors and subcontractors regarding the expected timing and schedule for the prequalification process. While some of the information contained in this section will be duplicative of other portions of the RFQ, it is important that the awarding authority provide the information.
- **Section VI of the RFQ: Evaluation Procedure/Criteria For Prequalification Selection.** An interested general contractor or subcontractor needs a minimum of 70 points to be Prequalified for a particular project. In this Section of the RFQ, the awarding authority is required to give notice of the prequalification evaluation procedure and evaluation categories and the allocation of points in each evaluation category to interested general contractors and subcontractors. In evaluating the SOQs submitted by interested general contractors and subcontractors and awarding points to each evaluation category and subcategory, the prequalification Committee should ensure that the criteria and process they use is applied consistently and equally to all interested general contractors and subcontractors.
 - **General Evaluation Categories.** The *Construction Reform Law* prescribes 4 general evaluations categories and required point allocations that the prequalification committee must utilize to evaluate interested general contractors and subcontractors for prequalification. In this section of the RFQ, the awarding authority must provide notice of each of these general evaluation categories and the statutory point allocation for each as indicated. The Awarding Authority has

no authority to modify the statutory point allocations provided.

1. *Management Experience - (50 points available in this category; minimum of 25 points required in this category for prequalification approval)*
2. *References - (30 points available in this category; minimum of 15 points required in this category for prequalification approval)*
3. *Capacity to Complete Projects - (20 points available in this category; minimum of 10 points required in this category for prequalification approval)*
4. *Mandatory Requirements - (no points assigned)*

➤ **Evaluation Subcategories.** *The Construction Reform Law also dictates subcategories within each of the required general categories above that the prequalification committee must review and measure during the evaluation process. As indicated in Section IA above, the Awarding Authority does have the discretion to allocate the points provided for in each evaluation category among the statutory subcategories. Once allocated, however, the Awarding Authority must give notice of the same and shall not deviate from the allocation of the subcategory points. The statutory subcategories are as follows:*

1. ***Management Experience*** - *(50 points available in this category; minimum of 25 points required in this category for prequalification approval)*
 - a. ***Business Owners:*** For this statutory subcategory, the awarding authority should request the name, title of the business owners of the interested general contractor or subcontractor, including a detailed description of the role and job responsibilities, scope of work and numbers of years with the firm for each of the business owner(s) of the firm. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors and subcontractors for this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and

unbiased basis and should consider the level of experience that the business owners listed in the SOQ have in successfully running a construction contracting business. (Note: If the interested general contractor or subcontractor is a wholly owned subsidiary then individuals do not need to be named but only the name of the parent company is necessary).

- b. **Management Personnel:** For this statutory subcategory, the awarding authority should request the name, title, including a detailed description of the role and job responsibilities, scope of work, education, construction experience, years with the firm and list of all projects completed for all management personnel who will have any direct or indirect responsibility over the Project, including but not limited to project executives, project managers, field superintendents and field engineers. While there is no limit on the reporting time period provided for in the statute, limiting the reporting period to five (5) years should provide sufficient information to the awarding authority to reasonably evaluate the experience of the proposed management team. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors and subcontractors for this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should consider the level of experience that the proposed managers have had successfully managing projects of similar size and scope.
- c. **Similar Project Experience:** For this statutory subcategory, the awarding authority should take full advantage of the opportunity to define what it deems to be a "similar project" and then request the project name(s), description, scope of work, original contract sum, final contract sum with explanation, and date of completion for each and every "similar project" undertaken by the firm during a specific period of time. In defining the "similar project experience" it is looking for, an awarding authority should

specify the type of similar experience sought for the project. For example, projects may be considered “similar” when they are of similar size, budget or program type; employ similar specialized sub-trades; have similar scheduling requirements; have similar site constraints; have similar operating constraints, such as being occupied or having similar security constraints; involve renovation of existing structure; or involve historic preservation issues. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors and subcontractors for this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should consider the level of experience of the interested general contractor or subcontractor on projects of a similar scope and size provided by interested general contractors and subcontractors in Schedule C of the SOQ. In its evaluation of the information provided in Schedule C, the prequalification committee should not automatically deduct points for change orders indicated in Schedule C (i.e. where the amounts reported in *Original and Final Contract Amount and Explanation*” column of Schedule C indicate that there were change orders on a particular project). For example, there may be instances where change orders are agreed upon and executed between an owner and contractor as the result of owner directed changes in scope, design changes or defects or otherwise and the existence of change orders should not be construed negatively against the contractor.

- d. **Terminations:** For this statutory subcategory, the awarding authority should request a list of any projects on which the firm was the interested general contractor or subcontractor was terminated, held in default, or failed to complete the work and require the response to include the name of the project, the timeframe of the project and circumstances surrounding the termination or default consistent with the

information submitted to the DCAM Certification office through the project evaluation requirement and process. (See Section VI(2)(c) below. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors and subcontractors for this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should consider the nature of the terminations reported by the interested general contractor or subcontractor in Schedule D of the SOQ. In its evaluation of the information provided in Schedule D, the prequalification committee should not automatically deduct points for terminations reported in Schedule D without consideration of the reason for termination provided. For example, a contractor may have reasonably terminated the contract for lack of payment and such termination should not be construed negatively against the contractor.

- e. ***Legal Proceedings:*** For this statutory subcategory, the awarding authority should request interested general contractor and subcontractor to provide information regarding each and every legal proceeding, administrative proceeding and arbitration currently pending or concluded adversely against it which relate to the procurement or performance of any public or private construction contract. General contractors are required to provide information from within the past five (5) years and Subcontractors are required to provide information from within the past three (3) years. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors and subcontractors for this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should consider the size, scope and nature of the legal proceedings reported by the interested general contractor or subcontractor

in Schedule E of the SOQ. In response to this portion of the RFQ, general contractors are only required to report in Schedule E those legal proceedings which relate to the procurement or performance of a construction contract. Subcontractors are required to report the same but have a further limitation on this reporting requirement in that they are not required to report any actions that primarily involve personal injury or workers' compensation claims, or where the sole cause of action involves the subcontractor's rights for direct payment under M.G.L. c. 30, §39M. In its evaluation of the information provided in Schedule E, the prequalification committee should not automatically deduct points for legal proceedings reported in Schedule E without consideration of the explanation provided. For example, a contractor may have reasonably filed suit against an owner or subcontractor and such legal proceedings should not be construed negatively against the contractor.

- f. *Safety Record:*** For this statutory subcategory, the awarding authority should request interested general contractors and subcontractors to provide the three (3) year history of its workers' compensation experience modifier. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ
- g. *MBE/WBE and Workforce Compliance Record:*** This statutory subcategory applies to interested general contractors only. For each interested general contractor, the awarding authority must seek information and evidence of the general contractor's compliance record with respect to Minority Business Enterprise and Women Business Enterprise goals and workforce inclusion goals for all projects completed which had such goals. While there is no limit on the reporting time period provided for in the statute, limiting the reporting period to five (5) years should provide sufficient information to the awarding authority to reasonably evaluate the MBE/WBE and workforce compliance record. The awarding

authority must also give notice of the number of points it has assigned to this subcategory in the RFQ.

2. **References** - (30 points available in this category; minimum of 15 points required in this category for prequalification approval)

a. **Project References:** For this evaluation subcategory, the awarding authority must request interested general contractors and subcontractors to provide project references for projects that meet the definition of “similar projects”. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. In order to conduct the reference checking process with consistency, the prequalification committee should document information obtained through the reference checking process on Project Reference Reports. A Sample Project Reference Report is provided in Exhibit H. Before assigning points in this evaluation category, the prequalification committee should endeavor to check all references provided and check the DCAM evaluation files for “similar projects” listed in the SOQ.

b. **Credit References:** For this evaluation subcategory, the awarding authority may dictate the number of credit records that it is seeking from interested general contractors and subcontractors. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. In order to conduct the reference checking process with consistency, the prequalification committee should document information obtained through the reference checking process on Credit Reference Reports. A Sample Credit Reference Report is provided in Exhibit G.

c. **Public Project Record:** For this statutory subcategory, the awarding authority must request a list of all completed public building construction projects (as defined by M.G.L. c.

149, § 44A) worked on during the past three (3) years with the project name, scope of work, contract value, start date, completion date, status of the project, owner's name (including address, telephone number, fax number, and contact person) and architect's name (including address, telephone number, fax number and contact person). The awarding authority must also give notice of the number of points it has assigned to this subcategory. In order to conduct the reference checking process with consistency, the prequalification committee should document information obtained through the reference checking process on Project Reference Reports. A Sample Project Reference Report is provided in Exhibit H. In addition, as indicated in Part Two: Section IV herein, during the evaluation process, the prequalification committee is encouraged to review and confirm the information reported by interested general contractors and subcontractors in the SOQ response and schedules by reviewing the mandatory public project evaluations submitted by awarding authorities to the DCAM Certification Office in compliance with M.G.L. c. 149 §44D(7)). The prequalification committee should contact the DCAM Certification Office for this important reference checking information.

3. ***Capacity to Complete Projects - (20 points available in this category; minimum of 10 points required in this category for prequalification approval).*** (NOTE: *As set forth in M.G.L. c. 44D½(e)(3) and 44D¾(e)(3), the financial information submitted by interested general contractors and subcontractors for this evaluation category are not to be considered "public records". Interested general contractors and subcontractors may opt to submit this information in a sealed envelope attached to the SOQ to preserve its confidentiality. In any case, whether submitted in a sealed envelope or not, awarding authority's reviewing this financial information are to take appropriate precautions to secure this confidential information from inappropriate distribution).*

- a. **Audited Financial Statement:** This statutory subcategory is only required for interested general contractors. The awarding authority should request it in this section of the RFQ when prequalifying general contractors. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of interested general contractors in this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should include a review of the audited financial statements to determine whether the general contractor is in a sufficiently strong financial position to perform a project of this size. The prequalification committee may seek assistance in this financial review to the extent it does not have the expertise to make an objective determination of financial capacity.
- b. **Annual Revenue.** This statutory subcategory is only required for interested subcontractors. The awarding authority should request it in this section of the RFQ when prequalifying subcontractors. The awarding authority must also give notice of the number of points it has assigned to this subcategory in the RFQ. While the scoring of subcontractors in this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should include a review of the annual revenue information provided to determine whether the subcontractor is in a sufficiently strong financial position to perform a project of this size. The prequalification committee may seek assistance in this financial review to the extent it does not have the expertise to make an objective determination of financial capacity.
- c. **Revenue Under Contract:** For this statutory subcategory, the awarding authority should request interested general contractors and subcontractors to submit revenue under contract for the next three (3) years. The awarding authority must also give notice of the number of points it has assigned to this

subcategory the RFQ. While the scoring of general contractors and subcontractors in this subcategory is within the discretion of the prequalification committee, the scoring should be conducted on a fair and unbiased basis and should include a review of the revenue under contract information provided to determine whether the general contractor or subcontractor is in a sufficiently strong financial position to perform a project of this size. Prequalification committees should note that an interested general contractor or subcontractor having more revenue under contract is not necessarily an indication of greater financial capacity to perform the project; nor is less revenue under contract a necessarily an indication that an interested general contractor or subcontractor does not have sufficient capacity to perform the project. As such, to the extent that the prequalification committee does not have sufficient expertise to make an objective financial determination regarding financial capacity it is encouraged to seek assistance in this financial review.

4. ***Mandatory Requirements*** - (no points assigned)

- a. ***Bonding Capacity:*** For this statutory subcategory, the awarding authority must request all interested general contractors and subcontractors to provide a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on the United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (100%) of the contract value (which will be the estimated construction cost for Project for interested general contractors and the estimated contract amount of the filed sub-bid trade work for interested subcontractors) as set forth in *Section I*.
- b. ***DCAM Certification:*** For this statutory subcategory, the awarding authority must require all interested general contractors and subcontractors to submit a currently valid

Certificate of Eligibility issued by DCAM to the pursuant to M.G.L. c. 149, § 44D.

- c. **Update Statement:** For this statutory subcategory, the awarding authority must request all interested general contractors and subcontractors to provide a current and completed Update Statement prepared by the interested general contractor or subcontractor.

- **Section VII of the RFQ: *Additional Information.*** This section of the RFQ is for any other project specific information that would impact the prequalification process. NOTE: The awarding authority is not permitted to include additional criteria here. This section is only provided to allow the awarding authority to provide information about the project that it deems relevant to interested general contractors and subcontractors and may be important to attract quality firms for the project.

D. Statement of Qualifications Response Form – Customizing for Your Project

Ideally the prequalification process will attract the interest of qualified general contractors and subcontractors to the project. Therefore, it is essential that the prequalification process be as “user friendly” as possible for interested general contractors and subcontractors.

The Statement of Qualifications (SOQ) form is the standard form developed by DCAM on which interested general contractors and subcontractors respond to an RFQ. In order to ensure consistency in the responses, it is imperative that the awarding authority customize the Statement of Qualifications form to be used for responding to the RFQ with project specific information.

It is particularly important that the SOQ forms issued for response to the RFQ include reference to the allocated evaluation points for each evaluation subcategory and the inclusion of a clear and concise definition of what the awarding authority will consider “similar project experience.”

The awarding authority should also customize the required schedules and attachments to the SOQ forms for ease of reference by interested general contractors and subcontractors.

IV. Notice and Advertisement of the RFQ

An awarding authority utilizing prequalification must give public notice of the RFQ. Sample advertisements for this purpose are attached hereto as Exhibit E.

A. Where to Advertise

The Construction Reform law requires that an RFQ for prequalification be advertised:

1. In a newspaper of general circulation in the area in which the building project is located
2. In the Central Register published by the Secretary of the Commonwealth pursuant to section 20A of chapter 9;
3. In the COM-PASS system, so called.

While not required, an awarding authority may also wish to consider advertising in other project notification services as well in order to maximize the responses to the RFQ and ensure an adequate pool of interested general contractors and subcontractors that may ultimately yield sufficient numbers of prequalified bidders (i.e. Dodge Reports, Reed Construction Data).

B. When to Advertise

The public notice and solicitation shall be given not less than 2 weeks before the deadline for submitting responses to the RFQ. Ideally, however, it should be given as early as possible to encourage the greatest response to the RFQ.

V. Processing of Responses to RFQ/Register of Responders

The Construction Reform law does not require awarding authorities to publically open responses to an RFQ issued for prequalification. Awarding Authorities must, however, prepare a "Register of Responders" logging the receipt of each response that is open to public inspection. A sample Register of Responders is attached hereto as Exhibit F.

VI. Evaluation Process and Criteria. Absent fraud or collusion, the prequalification committee has discretion with regard to the review and evaluation of the SOQs submitted for prequalification consideration by interested general contractors and subcontractors. Such review should be done in a fair and consistent manner, however, as outlined below:

- ### **A. Establishment of Realistic Evaluation Schedule.** The prequalification process can be time consuming. In order to conduct the process as efficiently as possible, it is suggested that upon receipt of the SOQs from interested general contractors and subcontractors, the prequalification committee should immediately set a realistic review and evaluation

schedule for meetings and time necessary to review the SOQs and conduct the required reference checks and deliberations. Every effort should be made to adhere to the review schedule agreed to by the prequalification committee.

- B. Distribution of Copies of the SOQs.** Providing sufficient copies are requested from and submitted by interested general contractors and Subcontractors, each member of the prequalification committee should receive a copy of the SOQ response from each firm submitting one.
- C. Independent Review of the SOQs.** In an effort to conduct the evaluation process efficiently, the members of the prequalification committee are strongly encouraged to review the SOQ submissions prior to the scheduled meetings with the prequalification committee as a whole. During that independent evaluation it may be helpful for Individual members of the prequalification committee to make personal notes on issues for discussion during the prequalification committee meetings, but individual members should NOT score or evaluate the SOQ responses until such time as the prequalification committee has occasion to meet as a group and review the issues and concerns raised by all members.
- D. Delegation of Aspects of Prequalification Review.** While the review of the responses is intended to be a collective effort by the entire prequalification committee, may seek assistance from those that may have expertise in a particular areas covered by the RFQ and have that information reported back to the prequalification committee.

 - 1. Credit /Project Reference Checking.** The required reference checking for the prequalification process may be delegated and divided by the prequalification committee providing that it is done in a fair and consistent manner and that such reference checking is documented by the individual(s) conducting the reference checks on behalf of the prequalification committee. All questions and inquiries made of references should be consistent and uniform and should be documented by the reference checker. For this purpose, DCAM has developed a sample of reference checking to be used for reference checking at Exhibits G and H, respectively.
 - 2. Public Project References DCAM Certification/Evaluation Files.** In checking the references submitted by interested general contractors or subcontractors for public project, the prequalification committee may rely on the mandatory public project evaluation files maintained and kept by the DCAM Certification Evaluation records in accordance with M.G.L. c. 44D, §44D(7).
- E. Prequalification Committee Meetings/Deliberations.** Depending on the number of responses to the RFQ and the number of subcontractor trades being prequalified, the documents required to be reviewed for the

evaluation process required of the prequalification committee may be quite voluminous and time consuming. The prequalification committee should meet and review all of the applications and supporting information provided or obtained through the reference check process before any scores are assigned to any interested general contractor or subcontractor. prequalification committee members should understand that the prequalification process may present a significant time commitment.

F. Consideration of Information From Third Parties. The prequalification committee may, at its option, review and consider unsolicited information submitted to it by third parties relating to the application of interested general contractors or subcontractors for prequalification. If the prequalification committee does consider such unsolicited information and such information is determinative in the deduction of points or the prequalification decision regarding an interested general contractor or subcontractor, then due process considerations require that the interested general contractor or subcontractor impacted should be afforded the opportunity to review the information submitted and respond to it accordingly.

G. Evaluation Scoresheet. The prequalification committee should evaluate each applicant and prepare a SINGLE scoresheet for each interested general contractor or subcontractor. The Prequalification Evaluation Scoresheets to be used by the prequalification committee for general contractors and subcontractors is attached hereto as Exhibits C and D

VII. Required Notice of Prequalified General Contractors and Subcontractors

Once the prequalification committee has determined which of the interested general contractors and subcontractors shall be considered prequalified for the project, it is required to give notice to those general contractors and subcontractors as well as notice to those that were not prequalified. Sample notice letters indicating that general contractor or subcontractor has been prequalified and/or has not been prequalified are attached hereto as Exhibit I and Exhibit J, respectively.

VIII. Invitation to Bid to Prequalified General Contractors and Subcontractors

Once the prequalification process is completed, the awarding authority must still give notice and advertise that it is soliciting bids for the project. The notice and advertisement must, however, clearly indicate that it will accept bids from only those firms that were previously prequalified by the prequalification committee. A sample advertisement giving notice of the request for proposals from prequalified general contractors or subcontractors is attached hereto as Exhibit K.

Where prequalification is mandatory and an awarding authority has prequalified at least 3 interested general contractors and/or subcontractors for a particular trade category, but less than 3 submit general bids or bids in a particular trade

category, the awarding authority may accept the bids if they are deemed reasonable and competitive or it may opt to reject all bids and reinstate the prequalification process in its entirety. In no event, however, where prequalification is mandatory, should the awarding authority solicit bids from general contractors or subcontractors who have not been prequalified unless and until all requirements of §§ 9.08 (11) and 10.08(11) have been met.

IX. Public Records Considerations

The *Construction Reform Law* specifically provides that the following shall be open for public inspection:

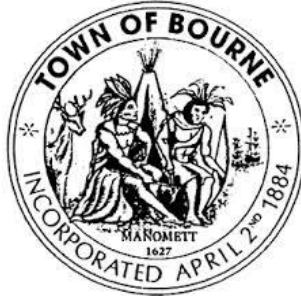
- **Register of Responders** – immediately upon opening of the SOQ responses.
- **Statements of Qualifications (excluding financial information) after the evaluation process is completed.** (NOTE: As set forth in M.G.L. c. 44D½(e)(3)(i), the financial information submitted by interested general contractors in response to this requirement are not public records. Therefore, interested general contractors may submit this information in a sealed envelope along with the SOQ to preserve its confidentiality. An awarding authority reviewing this financial information is required to take appropriate precautions to secure this confidential information from inappropriate distribution). It also should be noted Update Statements submitted by interested general contractors and subcontractors are NOT public records.

An interested general contractor or subcontractor may obtain its own evaluation score upon completion of the prequalification process.

Other records regarding the prequalification process may also be available pursuant to the Massachusetts Public Records Law, M.G.L. c. 4, §7(26).

X. Standard of Review

The *Construction Reform Law* provides that the decision of an awarding authority's prequalification committee "shall be final and shall not be subject to appeal except on grounds of fraud or collusion". In the event that an interested general contractor or subcontractor or third party elect to challenge a determination of prequalification by the prequalification committee, the party challenging the prequalification committee's decision would have to demonstrate that the prequalification committee was influenced by such fraud or collusion by prequalification committee members or that the decision of the prequalification committee was based on information that was a knowingly and intentionally false statement, omission, or act which has the *natural tendency* to influence the prequalification decision.



Town of Bourne

New Peebles Elementary School
MSBA ID: 201400360010
70 Trowbridge Street
Bourne, Massachusetts 02532

**COMMONWEALTH OF MASSACHUSETTS
STANDARD FORMS
FOR
GENERAL CONTRACTOR PREQUALIFICATION**
(pursuant to M.G.L. c. 149, § 44D½ and 810 CMR 9.00)

***REQUEST FOR QUALIFICATIONS
and
STATEMENT OF QUALIFICATIONS***

June 21, 2017

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Part One: RFQ - (to be completed by Awarding Authority)

Section I: General Project Information

Awarding Authority:	<i>Town of Bourne</i>
Project No.:	<i>MSBA ID: 201400360010</i>
Project Name:	<i>New Peebles Elementary School</i>
Project Location:	<i>70 Trowbridge Street Bourne, Massachusetts 02532</i>
Project Description:	<i>New 72,680 sf Elementary School serving Grades 3 to 5 for 460 students adjacent to the existing Peebles Elementary School in Bourne, MA.</i>
RFQ Informational Meeting (if applicable):	<i>June 28, 2017 at 10:00 AM, local time Peebles Elementary School Cafeteria in Bourne, Massachusetts</i>
Optional Site Visit (if applicable):	<i>June 28, 2017 at 10:00 AM, local time Peebles Elementary School Cafeteria in Bourne, Massachusetts</i>
Submission Deadline: (for submission of SOQs in response to this RFQ)	<i>July 18, 2017 by 2:00 PM, local time</i>
Submission Address:	<i>Bourne Public Schools Central Office 36 Sandwich Road Bourne, Massachusetts 02532 Attn: Edward Donoghue, Business Manager 508-759-0660</i>
Estimated Construction Cost:	<i>\$30 Million</i>
Estimated Project Duration:	<i>20 Months – Phase I 4 Months – Phase II</i>
Owner's Project Manager:	<i>Joel G. Seeley Symmes Maini & McKee Associates, Inc. (SMMA) 1000 Massachusetts Avenue Cambridge, Massachusetts 02138 617-547-5400 jseeley@smma.com</i>
Project Architect:	<i>Kent Kovacs, AIA Flansburgh Architects 77 North Washington Street Boston, Massachusetts 02114 617-367-3970 kkovacs@flansburgh.com</i>
Project Specific Requirements (if applicable):	<i>The project will be subject to MBE/WBE goal of 10.4%.</i>

Section II: Detailed Project Description

The project scope consists of the construction of the New Peebles Elementary School on the site of the existing Peebles Elementary School, in Bourne, Massachusetts. The new two-story building will be situated west of the existing Peebles Elementary School building. The design enrollment for the proposed 72,680 square foot school is 460 students in Grades 3 through 5.

The site work consists of site clearing, grading, roadways, parking, site utilities, stormwater retention basins, playfields and play structures.

The building is a one and two story steel framed structure with brick and phenolic panel cladding, aluminum windows and membrane roofing.

The project will be constructed in two phases. The first phase being the construction of the new school building; and the second phase being the demolition of the existing Peebles Elementary School and construction of the parking lot and tennis courts.

***Note:** In order to get the best quality responses to this RFQ, the Awarding Authority is advised to provide as much information as possible in this section.

Section III: General Instructions

In response to this *RFQ*, interested General Contractors are required to submit a *Statement of Qualifications* (“SOQ”) application package as follows:

A. Contents Of *Statement Of Qualifications* Application Package

The required SOQ *application package* consists of the following:

1. GC *RFQ Form 2*
2. *Schedules A through K to GC RFQ Form 2*;
3. all supporting documentation referenced and required therein; and
4. required number of copies of items 1-3 above.

B. Submission Deadline: See *Section I: General Information*

An original and four (4) complete copies of the interested General Contractor’s SOQ *application package* must be received by the Awarding Authority on or before the Submission Deadline as set forth in *Section I*, as determined by the Awarding Authority’s date/time stamp. All envelopes should be mailed or delivered to:

<i>Bourne Public Schools</i>
<i>Central Office</i>
<i>Attn: Edward Donoghue, Business Manager</i>
<i>36 Sandwich Road</i>
<i>Bourne, Massachusetts 02532</i>

SOQ application packages received by the Awarding Authority later than the Submission Deadline specified in Section I will be rejected and returned to the respondent General Contractor. Respondent General Contractors are cautioned to allow sufficient time for mailed materials to be received. Telecopied, faxed, or e-mailed qualifications will not be accepted. Awarding Authority shall not be responsible for mail not received, deliveries not made, or SOQ application packages not received by the date and time set forth in Section I.

C. Required Exterior Label For SOQ Application Package Envelope

SOQs will not be read publicly and should be submitted in a sealed envelope. All envelopes **must be labeled on the outside** with the following information:

RFQ for General Contractor Services
Awarding Authority Name: Town of Bourne
Project Name: New Peebles Elementary School
Project Number: MSBA ID: 201400360010
Respondent General Contractor's Name:
Respondent General Contractor's Address:
Respondent General Contractor's Telephone #:
Respondent General Contractor's Contact Person:

D. RFQ Informational Meeting (if applicable)

If indicated in *Section I*, an informational meeting regarding the prequalification process for this Project will be held. (If applicable, attendance is optional for those interested in responding to the *RFQ*.)

E. Optional Site Visit

If indicated in *Section I*, a site visit will be available during the *RFQ* Phase. (If applicable, attendance is optional for those interested in responding to the *RFQ*.)

F. Review/Availability Of Contract Documents

Drawings, specifications and other documents will not be available to respondent General Contractors during the *RFQ* Phase.

G. Subcontractor Prequalification

The Project will require prequalification of Subcontractors. If applicable, the following Subcontractors will be prequalified to submit **filed sub-bids** under a separate **RFQ** and prequalification process:

Check Below If Trade Will Be Prequalified On This Project	Section #	Trade Category
<input checked="" type="checkbox"/>	040001	Masonry
<input checked="" type="checkbox"/>	050000	Miscellaneous and Ornamental Iron
<input checked="" type="checkbox"/>	070001	Waterproofing, Dampproofing and Caulking
<input checked="" type="checkbox"/>	070002	Roofing and Flashing
<input checked="" type="checkbox"/>	080001	Metal Windows
<input checked="" type="checkbox"/>	080002	Glass and Glazing
<input checked="" type="checkbox"/>	090001	Tile
<input checked="" type="checkbox"/>	090003	Acoustical Tile
<input checked="" type="checkbox"/>	090005	Resilient Floors
<input checked="" type="checkbox"/>	090007	Painting
<input checked="" type="checkbox"/>	140001	Elevators
<input checked="" type="checkbox"/>	210001	Fire Protection
<input checked="" type="checkbox"/>	220001	Plumbing
<input checked="" type="checkbox"/>	230001	Heating, Ventilation & Air-Conditioning
<input checked="" type="checkbox"/>	260001	Electrical

H. Additional Instructions

See *Section VII: Additional Information* for additional instructions regarding the prequalification process.

Section IV: Overview Of Prequalification Process

- This *Request for Qualifications* (“*RFQ*”) is issued pursuant to M.G.L. c. 149, § 44D½. Firms interested in providing General Contractor services for the construction of the project described in *Section I and Section II* (“the Project”) MUST submit a *Statement of Qualifications* (“*SOQ*”) in response to this *RFQ* to the Awarding Authority as instructed in *Section III and Section VIII*, herein.
- The General Contractor selection process for this Project is a two-phase process as set forth in M.G.L. c. 149, § 44D½. The project delivery method for construction will be under M.G.L. c. 149. The Awarding Authority is prequalifying firms interested in providing General Contractor services for the Project through this *RFQ* prequalification process.

***** **IMPORTANT NOTICES** *****

Participation in the RFP Bidding Phase of this Project will be limited to ONLY those General Contractor firms who have submitted a SOQ (and required supporting documentation) in response to this *RFQ* and that have been deemed prequalified by the Awarding Authority. General Contractors that fail to respond to this *RFQ* and submit a *SOQ* with the required supporting documentation by the Submission Deadline set forth in *Section I* and General Contractors that have not been deemed prequalified by the Awarding Authority shall be automatically disqualified from bidding on this Project.

The Awarding Authority is prequalifying General Contractors and all Subcontractors for this Project. Therefore, responses to this *RFQ* will be considered ONLY for the prequalification of General Contractors that, if deemed prequalified will be invited to submit a bid pursuant to M.G.L. c. 149, § 44E. Any contractor seeking to be prequalified as both a General Contractor and Subcontractor for a particular filed sub-bid trade(s) shall be required to file separate responses to BOTH this *RFQ* and the *RFQ* issued to prospective filed sub-bidders for this Project.

***** **IMPORTANT NOTICES** *****

Section V: Administration/Schedule For Prequalification Process

A. “Two-Phase” Selection Process

Selection of the General Contractor for the Project will be conducted in a **two-phase** process as set forth in M.G.L. c. 149, § 44D½. General Contractor firms must first be prequalified in the *Phase One – RFQ/Prequalification Phase* in order to bid on the Project in *Phase 2 – RFP/Bidding Phase*.

1. *Phase One – RFQ/Prequalification Phase*

- **Submission Of Statement Of Qualifications (“SOQ”) -** Interested General Contractor firms must submit a completed SOQ; completed *Schedules A through K*, and all required supporting documentation referenced therein in response to this *RFQ* by the *Submission Deadline* set forth in *Section I*.
- **Prequalification Committee –**The Awarding Authority has appointed a *Prequalification Committee* to review and evaluate the SOQs (and supporting documentation) submitted by interested General Contractors. The *Prequalification Committee* shall consist of one (1) representative from the Project Designer, one (1) representative from the Owner’s Project Manager, and three (3) representatives from the Awarding Authority.
- **Evaluation By Prequalification Committee -** The *Prequalification Committee* shall meet as necessary to evaluate and review the SOQs (and supporting documentation) submitted by each respondent General Contractor firm in accordance with the evaluation criteria set forth in *Section VI*.
- **Notice To Respondent General Contractors –** The Awarding Authority anticipates concluding the *RFQ* evaluation and review process within the time set forth in *Section V(B) herein*. Upon completion of the evaluation and review process described herein, the *Prequalification Committee* shall provide written notice to all respondent General Contractors as to whether they are deemed prequalified or not. Prequalified General Contractor firms shall also be invited to participate in *Phase Two*, the *RFP/Bidding Phase* of the General Contractor selection process.

2. Phase Two – RFP/Bidding Phase

- General Contractor firms determined in *Phase One* by the *Prequalification Committee* to be prequalified will be invited to bid on the Project. **Only firms deemed prequalified during Phase One – RFQ/Prequalification Phase will be permitted to participate in Phase Two, the RFP/Bidding Phase. Firms that are not prequalified by the Prequalification Committee and firms that do not participate in the RFQ phase will be precluded from participating in Phase Two - the RFP Bidding/Phase.**

B. Anticipated Schedule For Prequalification/Bidding

Anticipated Completion of Prequalification Evaluations:	August 24, 2017
Anticipated RFP to Prequalified Bidders:	October 10, 2017
Anticipated Notice To Proceed:	November 28, 2017
Anticipated Construction Schedule:	20 months Phase I 4 months Phase II

Section VI: Evaluation Procedure/Criteria For Prequalification Selection

A. Sources of Information Considered

Respondent General Contractors must submit documentation for the four (4) statutory evaluation criteria categories listed herein. Prequalification will be based on the submitted information and materials as well as information on prior project performance, information obtained from references, information obtained from governmental agencies and entities, information contained within DCAM’s certification files, and such other information as may be obtained relating to the evaluation criteria categories. The *Prequalification Committee* may also request and review additional information as necessary to clarify or supplement the information provided to or obtained by the Awarding Authority.

Do not include superfluous material. You must include the *SOQ Response Form*, *GC RFQ Form 2* and *Schedules A through K* attached hereto. You must give complete and accurate answers to all questions and provide all of the information requested. Making a materially false statement in this SOQ submission is grounds for rejection and debarment.

B. Evaluation Procedure

As set forth herein and in accordance with M.G.L. c. 149, § 44D¹/₂ and 810 CMR 9.00, the Awarding Authority has established a *Prequalification Committee* for the purpose of reviewing and evaluating responses to this RFQ. The *Prequalification Committee* shall evaluate interested General Contractors based on the evaluation criteria set forth herein and assign points for each evaluation criterion category and subcategory provided herein. The *Prequalification Committee* shall prepare a written evaluation score form for each respondent General Contractor that provides a composite point rating and a specific point rating for each of the evaluation criterion set forth in M.G.L. c. 149 and herein. The *Prequalification Committee* shall only prequalify those General Contractor firms that have achieved the minimum points required in each category set forth herein and a minimum total score of seventy (70) points.

Only General Contractor firms achieving the minimum score required in each evaluation category set forth herein, as well as a minimum total score of seventy (70) points overall shall be prequalified and invited to submit bids consistent with M.G.L. c. 149, § 44E. An interested General Contractor's score shall be made available to the General Contractor upon request.

The decision of the *Prequalification Committee* shall be final and shall not be subject to appeal except on grounds of fraud or collusion.

C. Criteria For Prequalification

SOQs must be submitted on the *GC RFQ Form 2* attached hereto. Interested General Contractors submitting a SOQ and supporting information in any other form will not be prequalified. The *Prequalification Committee* shall review and evaluate the information submitted by interested General Contractors in accordance with the statutory point scheme set forth in M.G.L. c. 149, § 44D¹/₂. Also in accordance with § 44D¹/₂, the RFQ shall set forth the available points for each evaluation sub-category in order to provide interested General Contractors prior notice of the points available in each sub-category.

1. *Management Experience - (50 points available in this category; minimum of 25 points required in this category for prequalification approval)*

- a. *Business Owners:*** Provide the name, title, including a detailed description of the role and job responsibilities, scope of work and numbers of years with the firm for each of the business owner(s) of the firm. If the respondent General Contractor is a partnership, **YOU MUST** provide

the requested information for each general and limited partner. If the respondent General Contractor is a corporation or limited liability company, **YOU MUST** provide the requested information for each officer, director and/or member. *(2 points available)*

1. At least one (1) principal of the General Contractor has five (5) or more consecutive years of employment with the General Contractor – two (2) points.
2. At least one (1) principal of the General Contractor has three (3) or more but less than five (5) consecutive years of employment with the General Contractor – one (1) point.
3. No principal of the General Contractor has three (3) or more consecutive years of employment with the General Contractor – zero (0) points.
4. No response or incomplete response – zero (0) points

b. *Management Personnel:* Provide the name, title, including a detailed description of the role and job responsibilities, scope of work, education, construction experience, years with the firm and list of all projects completed for all management personnel who will have any direct or indirect responsibility over the Project, including but not limited to project executives, project managers, field superintendents and field engineers. *(8 points available)*

1. At least one (1) management person of the General Contractor who will work on this project has ten (10) or more consecutive years of employment as a management person with the General Contractor – eight (8) points.
2. At least one (1) management person of the General Contractor who will work on this project has seven (7) or more consecutive years of employment as a management person with the General Contractor – five (5) points.
3. At least one (1) management person of the General Contractor who will work on this project has five (5) or more consecutive years of employment as a management person with a General Contractor or General Contractors in public school construction – three (3) points.
4. At least one (1) management person of the General Contractor who will work on this project has three (3) or more consecutive years of employment as a

management person with a General Contractor or General Contractors in public building construction – two (2) points.

5. At least one (1) management person of the General Contractor who will work on this project has two (2) or more consecutive years of employment as a management person with a General Contractor or General Contractors in public building construction – one (1) point
6. No response or incomplete response – zero (0) points.

c. **Similar Project Experience:** Provide the project name(s), description, scope of work, original contract sum, final contract sum with explanation, and date of completion for each and every similar project undertaken by the firm in the last *five (5)* years. For purposes of this RFQ, “similar projects” shall mean a *new public school project in excess of \$25 million.* (12 points available)

1. The General Contractor has successfully completed its work on construction of at least five (5) similar projects within the past five (5) years – twelve (12) points.
2. The General Contractor has successfully completed its work on construction of at least four (4) similar projects within the past five (5) years – ten (10) points.
3. The General Contractor has successfully completed its work on construction of at least three (3) similar projects within the past five (5) years – eight (8) points.
4. The General Contractor has successfully completed its work on construction of at least two (2) similar projects within the past five (5) years – six (6) points.
5. The General Contractor has successfully completed its work on construction of one (1) or fewer similar projects within the past five (5) years – three (3) points.
6. No response or incomplete response – zero (0) points.

d. **Terminations:** Provide a list of any projects on which the firm was the General Contractor and was terminated, held in default, or failed to complete the work. Include the name of the project, the timeframe of the project and circumstances surrounding the termination or default. (10 points available)

1. The General Contractor has not been terminated on any project within ten (10) years and has not failed to complete the work on any project within ten (10) years provided that termination on a project or failure to complete a project, which in either event, is for reasons beyond the control of the General Contractor shall be disregarded – ten (10) points.
2. Within the past ten (10) years the General Contractor has been terminated on a project or has failed to complete the work on a project, must provide documentation/explanation – maximum one (1) point.
3. Within the past five (5) years the General Contractor has been terminated on a project or failed to complete a project-zero (0) points.
4. No response or incomplete response – zero (0) points.

e. **Legal Proceedings:** Provide information regarding each and every legal proceeding, administrative proceeding and arbitration pending against the General Contractor. In addition, provide information regarding each and every legal proceeding, administrative proceeding or arbitration concluded adversely to the General Contractor within the past five (5) years, which relate to the procurement or performance of any public or private construction contract. *(10 points available)*

1. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the General Contractor within the past three (3) years which relate to the procurement or performance of any public construction contract or private construction contract – ten (10) points.
2. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the General Contractor within the past two (2) years which relate to the procurement or performance of any public construction contract or private construction contract – five (5) points
3. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the General Contractor within the past one (1) year which relate to the procurement or performance of any public construction contract or private construction contract – three (3) points

4. Failure to disclose any pending or concluded legal proceedings or administrative proceedings required to be included in the General Contractor's response – zero (0) points.
5. No response or incomplete response – zero (0) points.

f. Safety Record: Provide the three (3) year history of the General Contractor's workers' compensation experience modifier. In addition, provide documentation from the General Contractor's insurance carrier supporting the rating history provided. (5 points available)

1. Average value of the submitted history of the General Contractor's workers' compensation modifier is 1.0 or less – five (5) points.
2. Average value of the submitted history of the General Contractor's workers' compensation modifier is 1.0 to 1.2 – three (3) points.
3. Average value of the submitted history of the General Contractor's workers' compensation modifier is 1.2 to 1.35 – two (2) points.
4. Average value of the submitted history of the General Contractor's workers' compensation record is greater than 1.35 – zero (0) points.
5. No response or incomplete response – zero (0) points.

g. MBE/WBE and Workforce Compliance Record: Provide information and evidence of the General Contractor's compliance record with respect to Minority Business Enterprise and Women Business Enterprise goals and workforce inclusion goals for all projects completed which had such goals. (3 points available)

1. The General Contractor has achieved Supplier Diversify Office (SDO) goals for all projects having such goals within the last five (5) years – three (3) points
2. The General Contractor was sanctioned or received a penalty from Supplier Diversify Office (SDO) on one project within the last five (5) years – one (1) point
3. The General Contractor was sanctioned or received a penalty from Supplier Diversify Office (SDO) on more than one project or did not submit sufficient evidence under this section – zero (0) points

2. References - (30 points available in this category; minimum of 15 points required in this category for prequalification approval)

a. Project References: Provide reference information for Owners, Architects and Owner's Project Managers for each and every project listed in your response to *Section VI(C)(1)(c)*. Information provided shall at least include project name and the names of the owners and architects, with current address, current telephone and fax numbers, and contact person for each. Note: The Prequalification Committee may also consider project reference information and project evaluations obtained from the Update Statement, DCAM's certification files and information provided in response to *Subsection 2(c)* herein. (25 points available)

1. All references are favorable – twenty five (25) points.
2. One (1) unfavorable reference – fifteen (15) points.
3. Two (2) unfavorable references – five (5) points.
4. Three (3) unfavorable references – one (1) point.
5. No response or incomplete response – zero (0) points.

b. Credit References: Provide a minimum of five (5) credit references, including the telephone and fax numbers of a contact person from key suppliers, vendors and banks. (3 points available)

1. Five (5) or more favorable credit references at least one of which is a bank or a recognized lending institution –three (3) points.
2. Four (4) favorable credit references at least one of which is a bank or a recognized lending institution – two (2) points.
3. Three (3) favorable credit references at least one of which is a bank or a recognized lending institution – one (1) point.
4. Two (2) favorable credit references or less, with at least one of which is a bank or a recognized lending institution – zero (0) points.
5. No response or incomplete response – zero (0) points.

c. Public Project Record: Provide a list of all completed public building construction projects (as defined by M.G.L. c. 149, § 44A) worked on during the past five (5) years with the project name, scope of work, contract value, start date,

completion date, status of the project, owner's name (including address, telephone number, fax number, and contact person) and architect's name (including address, telephone number, fax number and contact person).
(2 points available)

1. Work successfully completed on five (5) or more public building projects during the past five (5) years – two (2) points.
2. Work successfully completed on four (4) public building projects during the past five (5) years – one (1) points.
3. Work successfully completed on three (3) public building projects or less during the past five (5) years – zero (0) points.
4. No response or incomplete response – zero (0) points

3. Capacity to Complete Projects - (20 points available in this category; minimum of 10 points required in this category for prequalification approval)

a. Audited Financial Statement: Submit an audited financial statement for the most recent fiscal year. The financial information submitted shall remain confidential and shall not be a public record. (15 points)

1. Cash balance positive; and working capital balance positive; tangible net worth positive; leverage 1.0 or less – fifteen (15) points.
2. Cash balance positive; and working capital balance positive; tangible net worth positive; leverage 1.0 – 1.5 - twelve (12) points.
3. Cash balance positive; and working capital balance positive; tangible net worth positive; leverage 1.5 – 2.0 – nine (9) points.
4. Cash balance positive; and working capital balance positive; tangible net worth positive; leverage 2.0 – 2.5 – six (6) points.
5. Cash balance positive; and working capital balance positive; tangible net worth positive; leverage 2.5 – 3.0 – zero (0) points.
6. No response or incomplete response – zero (0) points.

Note: For purposes of this RFQ, **leverage** shall be defined as:

Assets minus liabilities = equity.

Total liabilities divided by equity = **leverage**

b. Revenue: Submit revenue under contract for the next three (3) years. (5 points)

1. Fifty million dollars (\$50,000,000) or more – five (5) points.
2. Forty million dollars (\$40,000,000) to Fifty million dollars (\$50,000,000) – four (4) points.
3. Thirty million dollars (\$30,000,000) to Forty million dollars (\$40,000,000) – three (3) points.
4. Twenty million dollars (\$20,000,000) to Thirty million dollars (\$30,000,000) – two (2) points.
5. Five million dollars (\$5,000,000) to Twenty million dollars (\$20,000,000) – one (1) point.
6. Less than Five million dollars (\$5,000,000) or incomplete response – zero (0) points.

4. Mandatory Requirements - (no points assigned)

a. Bonding Capacity: Interested General Contractors must provide a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on the United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (100%) of the estimated construction cost for Project as set forth in *Section I*.

b. DCAM Certification: Interested General Contractors must provide a currently valid *Certificate of Eligibility* issued by DCAM to the General Contractor pursuant to M.G.L. c. 149, § 44D, showing a single and aggregate capacity rating sufficient for the Project.

c. Update Statement: Interested General Contractors must provide a current and completed Update Statement prepared by the interested General Contractor.

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Section VII: Additional Information

A. Status Of Request For Qualifications

This *RFQ* is solely a request for information. It does not represent an offer nor does it confer any rights on any respondent General Contractor. The Awarding Authority shall not be responsible under any circumstances for any costs incurred by any respondent General Contractors to this *RFQ*. The Awarding Authority reserves the right to cancel this procurement at any time if it is in its the best interest to do so.

B. Treatment Of Information Submitted

With the exception of the required audited financial statements, the Awarding Authority shall have no obligation to treat any information submitted by an interested General Contractor in or in connection with a *SOQ* as proprietary or confidential unless the Awarding Authority determines that the information legitimately requires such treatment. In such case, the Awarding Authority's obligation with respect to protection and disclosure of such information shall at all times be subject to applicable laws. The Awarding Authority shall have the right to use all or portions of the *SOQ*, as it considers necessary or desirable in connection with the Project. By the submission of a *SOQ*, the respondent General Contractor thereby grants to the Awarding Authority an unrestricted license to use the *SOQ*, including all materials submitted therewith, in connection with the project.

C. Communication Between Awarding Authority and Respondent General Contractors

Unauthorized communications or contact between General Contractors, their employees, agents or other related entities interested in submitting a *SOQ* and the Awarding Authority, the project designer, the project manager, or any other person or entity participating on the Prequalification Committee with regard to the Project are strictly prohibited. The only authorized communications shall be 1) inquiries to the Awarding Authority for general information about obtaining the *RFQ*, *RFQ* submission deadlines, and the existence of any relevant addenda to the *RFQ*; and 2) inquiries made at the official Pre-*RFQ* Submission meeting held by the Awarding Authority. If applicable, the official Pre-*RFQ* Submission Meeting will be held at the date and time set forth in *Section I*.

Any issues brought to the Awarding Authority's attention at the Pre-*RFQ* Submission meeting, which the Awarding Authority determines will require additional clarification will be addressed by issuing a written

addendum. Oral and other clarifications will be without legal effect. All such addenda will be considered part of this RFQ, and the respondent General Contractor shall be required to acknowledge receipt of all addenda on the RFQ Proposal Response Form attached to this RFQ. The Awarding Authority will email all addenda to all respondent General Contractors that have mailed or faxed an RFQ Interest Form, *GC RFQ Form 1* to the Awarding Authority or have received the RFQ directly from the Awarding Authority and will post the addenda on the web site <http://procurementdocuments.smma.com> and <http://www.comm-pass.com> in the listing for this Project. It shall be the sole responsibility of the respondent General Contractor to ascertain the existence of any and all addenda issued by the Awarding Authority.

From the date of issuance of this RFQ, any respondent General Contractor that contacts directly or indirectly any member or employee of the Awarding Authority, or the project designer, or the project manager, or any member of the *Prequalification Committee* in connection with the selection process or the contract contemplated herein for this project is subject to disqualification. Contact is permitted for the purpose of obtaining a copy of this RFQ or to submit a verbal or written question or request for clarification at the Pre-RFQ Submission meeting as set forth in *Section I*.

[THIS SPACE IS INTENTIONALLY BLANK]

Part Two: Forms to Be Completed By General Contractor

RFQ Interest Form

GC RFQ Form 1

Instructions: If your firm is interested in responding to the RFQ for Prequalification of General Contractors for this Project then GC RFQ Form 1 MUST be submitted to the Awarding Authority BEFORE submitting the SOQ Application GC RFQ Form 2.

Awarding Authority:	<i>Town of Bourne</i>
Project No.:	<i>MSBA ID: 201400360010</i>
Project Name:	<i>New Pebbles Elementary School</i>

Email or Fax this *RFQ Interest Form* to¹:

Symmes Maini & McKee Associates, 1000 Massachusetts Avenue Cambridge, Massachusetts 02138 opm@smma.com 617-354-5758
--

By submitting this *GC RFQ Interest Form* the below identified firm is expressing its interest in the above-referenced public building construction project and is requesting that it be added to the list of firms that will receive any addenda to the *RFQ* on the Project. **The Awarding Authority assumes no responsibility for a firm's failure to receive any addenda or other correspondence related to this *RFQ* due to the firm's failure to submit an *RFQ Interest Form* as directed above or for any other reason.**

General Contractor Firm Name:	
General Contractor Address:	
General Contractor Telephone:	
General Contractor Facsimile:	
General Contractor Contact Person/Title:	
Date Submitted:	

By:

(Signature of Authorized Representative)

¹ Note: The Statement of Qualifications ("SOQ") application form (GC RFQ Form 2) and accompanying *Schedules A through K*, submitted in response to this RFQ **MAY NOT BE FAXED.**

**Statement of Qualifications Application for General Contractors
GC RFQ Form 2**

Note: See Sections III and VII of Part One, the RFQ for this Project, for instructions on completing this Statement of Qualifications and accompanying Schedules A through K.

Project Name:	New Peebles Elementary School
Project No:	MSBA ID: 201400360010
Awarding Authority:	Town of Bourne
General Contractor Name:	
General Contractor Mailing Address:	
General Contractor Street Address:	
Telephone Number:	
Facsimile Number:	
Contact Person/Title:	

1. **Management Experience - (50 points available; minimum of 25 points required for prequalification approval)**
 - a. **Business Owners (2 points):** Interested General Contractors **MUST COMPLETE Schedule A** and **MUST ATTACH** to it a resume for each and every business owner of your firm as set forth in *Section VI(C)(1)(a)* of *Part One*, the RFQ for this Project.
 - b. **Management Personnel (8 points):** Interested General Contractors **MUST COMPLETE Schedule B** and **MUST ATTACH** to it a resume for each and every person who will have **any** management responsibility, direct or indirect, for the Project, including, but not limited to, project executives, project managers, field superintendents and field engineers, as set forth in *Section VI(C)(1)(b)* of *Part One*, the RFQ for this Project.
 - c. **Similar Project Experience (12 points):** Interested General Contractors **MUST COMPLETE Schedule C** and list similar projects for the last five (5) years. For each project, you must include the name, description of project, description of your firm's scope of work, original contract sum, final contract sum (with explanation) and date completed. For the purpose of this *RFQ*, "similar projects" shall be defined as defined in *Section VI(C)(1)(c)* of *Part One*, the *RFQ* for this Project.
 - d. **Terminations (10 points):** Interested General Contractors **MUST COMPLETE Schedule D** and list each and every project on which your

firm was terminated or failed to complete the work as set forth in *Section VI(C)(1)(d)* of *Part One*, the *RFQ* for this Project.

- e. ***Legal Proceedings (10 points):*** Interested General Contractors **MUST COMPLETE Schedule E** and list any and all legal proceeding or administrative proceeding or arbitration currently pending against your firm. Interested General Contractors must also list each and every legal proceeding or administrative proceeding or arbitration concluded adversely against your firm within the past five (5) years as set forth in *Section VI(C)(1)(e)* of *Part One*, the *RFQ* for this Project.
- f. ***Safety Record (5 points):*** Interested General Contractors **MUST COMPLETE Schedule F** and provide the three (3) year history of its workers' compensation modifier rating as set forth in *Section VI(C)(1)(f)* of *Part One*, the *RFQ* for this Project, and **MUST ATTACH** to ***Schedule F*** documentation from its insurance carrier supporting the ratings reported therein or no points may be awarded.
- g. ***MBE/WBE and Workforce Compliance Record (3 points):*** Interested General Contractors **MUST COMPLETE Schedule G** and provide copies of documents providing evidence of the firm's compliance record with respect to Minority Business Enterprise and Women's Business Enterprise participation goals and workforce inclusion goals for each and every project completed that had a contractual MBE/WBE participation goal or minority and women workforce goals as set forth in *Section VI(C)(1)(g)* of *Part One*, the *RFQ* for this Project. In addition, interested General Contractors **MUST ATTACH** documentation supporting the actual participation and inclusion amounts reported in ***Schedule G***.

2. ***References - (30 points available; minimum of 15 points required for prequalification approval)***

- a. ***Project References (25 points):*** Interested General Contractors **MUST COMPLETE Schedule H** and provide project references from owners and architects for all projects as required in *Section VI(C)(2)(a)* of *Part One*, the *RFQ* for this Project.
- b. ***Credit References (3 points):*** Interested General Contractors **MUST COMPLETE Schedule I** and provide a minimum of five (5) credit references as required in *Section VI(C)(2)(b)* of *Part One*, the *RFQ* for this Project.
- c. ***Public Project Record (2 points):*** Interested General Contractors **MUST COMPLETE Schedule J** and list all completed public building construction projects completed by your firm during the past five (5) years as required in *Section VI(C)(2)(c)* of *Part One*, the *RFQ* for this Project.

3. Capacity to Complete Project - (20 points available; minimum of 10 points are required for prequalification approval)

- a. Audited Financial Statement (15 points):** Interested General Contractors **MUST ATTACH** to the *GC RFQ Form 2* an audited financial statement for the most recent fiscal year (may be submitted in a sealed envelope). (Note: whether submitted in a sealed envelope or not, such audited financial statements shall not be considered public records).
- b. Revenue Under Contract (5 points):** Interested General Contractors **MUST COMPLETE Schedule K** and list revenue under contract for the next three (3) fiscal years. Such financial information shall not be considered public records.

4. Mandatory Requirements: (no points are assigned)

- a. Payment and Performance Bonds:** Interested General Contractors **MUST ATTACH** to the *GC RFQ Form 2* a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (100%) of the estimated construction cost of this Project.
- b. Certificate of Eligibility:** Interested General Contractors **MUST ATTACH** to the *GC RFQ Form 2* a currently valid *Certificate of Eligibility* (issued by DCAM) showing a single and aggregate capacity rating sufficient for the Project.
- c. Update Statement:** Interested General Contractors **MUST ATTACH** to the *GC RFQ Form 2* a current and completed *Update Statement*.

5. Execution Requirements

- a. RFQ Response Checklist:** Before signing and submitting its SOQ application package for this Project, interested General Contractors are advised to carefully review the *RFQ Response Checklist – GC RFQ Form 3*.
- b. Acknowledgement of Addenda.** By signing below, the interested General Contractor **acknowledges receipt of the following addenda** to this RFQ: [Insert Addenda #]
- c. Incomplete or Inaccurate Information:** Failure to accurately and completely provide the information requested may result in the disqualification.
- d. Authorization to Sign:** This form **MUST** be signed by an officer of the firm or an individual so authorized by an officer of the firm who has personal knowledge regarding the information contained herein.
- e. Debarment Status:** By signing below, the interested General Contractor certifies that it is not currently debarred from performing public work for the Commonwealth of Massachusetts or the Federal Government.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

Signature: _____

Print Name:
Title:
Telephone:
Date:

[Insert GC Firm Name]

SCHEDULE A – BUSINESS OWNERS: Interested General Contractor **MUST** provide the following information and attach a copy of the resume for each and every business owner of the firm in accordance with Section VI(C)(1)(a) of *Part One*, the *RFQ* for this Project.

NAME	TITLE	ROLE/JOB RESPONSIBILITIES/ SCOPE OF WORK	# OF YEARS W/FIRM	EDUCATION/EXPERIENCE

[Insert GC Firm Name]

SCHEDULE B – MANAGEMENT PERSONNEL: Interested General Contractors **MUST** provide the following information and attach a copy of the resume for each and every person who will have any direct or indirect management responsibility for the Project, including but not limited to, project executives, project managers, project superintendents, etc. in accordance with Section VI(C)(1)(b) of *Part One*, the *RFQ* for this Project.

NAME	TITLE	ROLE/JOB RESPONSIBILITIES/ SCOPE OF WORK	# OF YEARS W/FIRM	EDUCATION/EXPERIENCE	COMPLETED PROJECTS

[Insert GC Firm Name]

SCHEDULE C - SIMILAR PROJECT EXPERIENCE: Interested General Contractor **MUST** list all similar projects your firm has completed during the last five (5) years. For the purpose of this *RFQ* “similar projects” shall be as defined in *Section VI(C)(1)(c) of Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	PROJECT OWNER	PROJECT DESCRIPTION AND SPECIFIC SCOPE	ORIGINAL AND FINAL CONTRACT AMOUNT AND EXPLANATION	DATE COMPLETED (M/D/YYYY)

[Insert GC Firm Name]

SCHEDULE D - TERMINATIONS: Interested General Contractors are required to list each and every project on which it was terminated or failed to complete the project as set forth in *Section VI(C)(1)(d) of Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	SCOPE OF WORK PERFORMED	CONTRACTED WITH	START & END DATES	ESTIMATED CONTRACT AMOUNT	% COMPLETE	REASON FOR TERMINATION

[Insert GC Firm Name]

SCHEDULE E - LEGAL PROCEEDINGS: Interested General Contractors are required to list each and every legal proceeding, administrative proceeding or arbitration currently pending and each and every legal proceeding, administrative proceeding and arbitration concluded adversely against it within the past five (5) years as set forth in *Section VI(C)(1)(e) of Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	PROJECT OWNER	DESCRIPTION OF LEGAL PROCEEDING (include caption of case, parties, location of proceeding, description of the dispute or enforcement action and status and/or outcome)

[Insert GC Firm Name]

SCHEDULE F – SAFETY RECORD: Interested General Contractors are required to provide the three (3) three year history of its workers’ compensation experience modifier and attached documentation from its insurance carrier supporting the ratings reported herein as set forth in *Section VI(C)(1)(f) of Part One*, the *RFQ* for this Project.

YEAR	WORKERS’ COMP. EXPERIENCE MODIFIER	COMMENTS

[Insert GC Firm Name]

SCHEDULE G – MBE/WBE and WORKFORCE COMPLIANCE RECORDS: Interested General Contractors are required to list each and every project completed within the time frame set forth in *Section VI(C)(1)(g) of Part One*, the RFQ for this Project, that had contractual MBE/WBE participation goals or minority and women workforce goals. For the actual participation or workforce inclusion amounts listed, you must attach documentation from the owner supporting the amount reported. In addition, if the goals were not met, then you must explain why and indicate whether any sanctions or penalties were imposed.

PROJECT NAME, LOCATION & AWARDED AUTHORITY	CONTRACT VALUE	MBE GOAL	ACTUAL MBE PARTICIPATION	WBE GOAL	ACTUAL WBE PARTICIPATION	WORKFORCE GOALS	ACTUAL WORKFORCE PARTICIPATION	IF GOALS NOT MET EXPLAIN WHY	SANCTION OR PENALTY AND AMOUNT

[Insert GC Firm Name]

SCHEDULE H - PROJECT REFERENCES: Interested General Contractors are required to list references for prior work your firm has performed as set forth in *Section VI(C)(2)(a) of Part One*, the *RFQ* for this Project.

PROJECT TITLE	COMPANY NAME	CONTACT PERSON/ADDRESS	TELEPHONE#	FAX#
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			

[Insert GC Firm Name]

SCHEDULE I - CREDIT REFERENCES: Interested General Contractors are required to list a minimum of five (5) credit references from banks, suppliers and/or vendors as set forth in *Section VI(C)(2)(b) of Part One*, the *RFQ* for this Project.

CHECK ONE	COMPANY NAME	CONTACT PERSON	TELE#	FAX#
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				

[Insert GC Firm Name]

SCHEDULE J - PUBLIC PROJECT RECORD: – Interested General Contractors are required to list all completed public buildings during the past five (5) years in accordance with Section VI(C)(2)(c) of *Part One*, the *RFQ* for this Project. (You may attach additional pages if necessary).

PROJECT INFORMATION	CONTACT INFORMATION Provide business and contact name, address, telephone and fax
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:

[Insert GC Firm Name]

SCHEDULE K – REVENUE UNDER CONTRACT: – Interested General Contractors are required to list revenue under contract for next three (3) fiscal years in accordance with Section VI(C)(3)(b) of *Part One*, the *RFQ* for this Project.

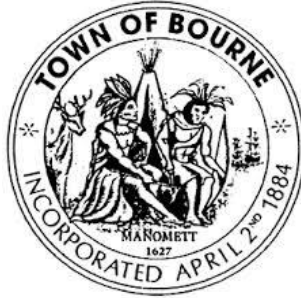
Firm's fiscal year runs _____ to _____.

YEAR	REVENUE UNDER CONTRACT (\$)

RFQ RESPONSE CHECKLIST - GC RFQ Form 3

NOTE: LATE APPLICATIONS FOR PREQUALIFICATION WILL NOT BE CONSIDERED. THEREFORE, BEFORE SUBMITTING A RESPONSE TO THIS RFQ, PLEASE REVIEW THE FOLLOWING:

- Did you fax or mail the RFQ Interest Form (*GC RFQ Form 1*) to the Awarding Authority?
- Did you complete the entire SOQ Form (*GC RFQ Form 2*)?
- Did you fully complete *Schedules A through K*?
- Did you attach the resumes of owners and management personnel identified in your responses to *Schedule A* and *Schedule B*?
- Did you attach the required documentation from your insurance company supporting the workers' compensation modifier history you reported in *Schedule F*?
- Did you attach the required documentation supporting the MBE/WBE and Workforce Compliance record you reported in *Schedule G*?
- Do you have the current contact information for all of the references you reported in *Schedule H*, *Schedule I* and *Schedule J*?
- Did you attach an audited financial statement as required in *Section 3(a) of Part Two, GC RFQ Form 2*?
- Did you attach a commitment letter for payment and performance bonds as required in *Section 4(a) of Part Two, GC RFQ Form 2*?
- Did you attach a currently valid DCAM *Certificate of Eligibility* as required in *Section 4(b) of Part Two, GC RFQ Form 2*?
- Did you attach a completed and signed *Update Statement* as required in *Section 4(c) of Part Two, GC RFQ Form 2*?
- Did you include the original and all required copies of your entire SOQ application package?
- Did you address the SOQ envelop correctly (i.e. to reference the Project and other required information set forth herein)?
- Did you review all of the Execution Requirements before signing the SOQ application form?
- Is the person who signed the SOQ application form authorized to do so and did his or her correct and current contact information?



Town of Bourne

New Peebles Elementary School
MSBA ID: 201400360010
70 Trowbridge Street
Bourne, Massachusetts 02532

**COMMONWEALTH OF MASSACHUSETTS
STANDARD FORMS
FOR
SUBCONTRACTOR PREQUALIFICATION**
(pursuant to M.G.L. c. 149, § 44D¾ and 810 CMR 10.00)

***REQUEST FOR QUALIFICATIONS
and
STATEMENT OF QUALIFICATIONS***

June 21, 2017

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Sub SOQ Form 3: *RFQ Response Checklist*

Part One: RFQ - (to be completed by Awarding Authority)

Section I: Project Information

A. General Information

Awarding Authority:	<i>Town of Bourne</i>
Project No.:	<i>MSBA ID: 201400360010</i>
Project Name:	<i>New Peebles Elementary School</i>
Project Location:	<i>70 Trowbridge Street Bourne, Massachusetts 02532</i>
Project Description:	<i>New 72,680 sf Elementary School serving Grades 3 to 5 for 460 students adjacent to the existing Peebles Elementary School in Bourne, Massachusetts.</i>
RFQ Informational Meeting (if applicable):	<i>June 28, 2017 at 10:00 AM, local time. Peebles Elementary School Cafeteria in Bourne, Massachusetts</i>
Optional Site Visit (if applicable):	<i>June 28, 2017 at 10:00 AM, local time. Peebles Elementary School Cafeteria in Bourne, Massachusetts</i>
Submission Deadline: (for submission of SOQs in response to this RFQ)	<i>July 18, 2017 by 2:00 PM, local time.</i>
Submission Address:	<i>Bourne Public Schools Central Office 36 Sandwich Road Bourne, Massachusetts 02532 Attn: Edward Donoghue, Business Manager</i>
Estimated Construction Cost:	<i>\$30 Million</i>
Estimated Project Duration:	<i>20 Months – Phase I 4 Months – Phase II</i>
Owner's Project Manager:	<i>Joel G. Seeley Symmes Maini & McKee Associates, Inc. (SMMA) 1000 Massachusetts Avenue Cambridge, Massachusetts 02138 617-547-5400 jseeley@smma.com</i>
Project Architect:	<i>Kent Kovacs, AIA Flansburgh Architects 77 North Washington Street Boston, Massachusetts 02114 617-367-3970 kkovacs@flansburgh.com</i>
Project Specific Requirements (if applicable):	<i>The project will be subject to MBE/WBE goal of 10.4% for the General Contractor.</i>

B. Subtrades Subject to Prequalification

This RFQ is to prequalify Subcontractors in accordance with M.G.L. c. 149, § 44D^{3/4} and 810 CMR 10.00. Subcontractors in the following subtrades will be prequalified for this Project:

"X" Below All Trades Subject To Prequalification On The Project	Section #	Trade Category	Estimated Construction Cost for Subtrade
<input checked="" type="checkbox"/>	040001	Masonry	\$ 000
<input checked="" type="checkbox"/>	050000	Miscellaneous and Ornamental Iron	\$ 000
<input checked="" type="checkbox"/>	070001	Waterproofing, Dampproofing and Caulking	\$ 000
<input checked="" type="checkbox"/>	070002	Roofing and Flashing	\$ 000
<input checked="" type="checkbox"/>	080001	Metal Windows	\$ 000
<input checked="" type="checkbox"/>	080002	Glass and Glazing	\$ 000
<input checked="" type="checkbox"/>	090001	Tile	\$ 000
<input checked="" type="checkbox"/>	090003	Acoustical Tile	\$ 000
<input checked="" type="checkbox"/>	090005	Resilient Floors	\$ 000
<input checked="" type="checkbox"/>	090007	Painting	\$ 000
<input checked="" type="checkbox"/>	140001	Elevators	\$ 000
<input checked="" type="checkbox"/>	210001	Fire Protection	\$ 000
<input checked="" type="checkbox"/>	220001	Plumbing	\$ 000
<input checked="" type="checkbox"/>	230001	Heating, Ventilation & Air-Conditioning	\$ 000
<input checked="" type="checkbox"/>	260001	Electrical	\$ 000

Section II: Detailed Project Description

The project scope consists of the construction of the New Peebles Elementary School on the site of the existing Peebles Elementary School, in Bourne, Massachusetts. The new two-story building will be situated west of the existing Peebles Elementary School building. The design enrollment for the proposed 72,680 square foot school is 460 students in grades 3 through 5.

The site work consists of site clearing, grading, roadways, parking, site utilities, stormwater retention basins, playfields and play structures.

The building is a one and two story steel framed structure with brick and phenolic panel cladding, aluminum windows and membrane roofing.

The project will be constructed in two phases. The first phase being the construction of the new school building; and the second phase being the demolition of the existing Peebles Elementary School and construction of the parking lot and tennis courts.

***Note:** In order to get the best quality responses to this RFQ, the Awarding Authority is advised to provide as much information as possible in this section.

Section III: General Instructions

In response to this *RFQ*, interested Subcontractors are required to submit a *Statement of Qualifications* (“SOQ”) application package as follows:

A. Contents Of *Statement Of Qualifications* Application Package

The required *SOQ application package* consists of the following:

1. *Sub RFQ Form 2*
2. *Schedules A through K to Sub RFQ Form 2;*
3. all supporting documentation referenced and required therein; and
4. required number of copies of items 1-3 above.

B. Submission Deadline: See *Section I: General Information*

An original and 4 complete copies of the interested Subcontractor’s *SOQ application package* must be received by the Awarding Authority on or before the Submission Deadline as set forth in *Section I*, as determined by the Awarding Authority’s date/time stamp. All envelopes should be mailed or delivered to:

<i>Bourne Public Schools</i>
<i>Central Office</i>
<i>Attn: Edward Donoghue, Business Manager</i>
<i>36 Sandwich Road</i>
<i>Bourne, Massachusetts 02532</i>

SOQ application packages received by the Awarding Authority later than the Submission Deadline specified in Section I will be rejected and returned to the respondent Subcontractor. Respondent Subcontractors are cautioned to allow sufficient time for mailed materials to be received. Telecopied, faxed, or e-mailed qualifications will not be accepted. Awarding Authority shall not be responsible for mail not received, deliveries not made, or SOQ application packages not received by the date and time set forth in Section I.

C. Required Exterior Label For SOQ Application Package Envelope

SOQs will not be read publicly and should be submitted in a sealed envelope. All envelopes **must be labeled on the outside** with the following information:

RFQ for Subcontractor Services
Awarding Authority Name: Town of Bourne
Project Name: New Peebles Elementary School
Project Number: MSBA ID: 201400360010
Respondent Subcontractor's Name:
Respondent Subcontractor's Address:
Respondent Subcontractor's Telephone #:
Respondent Subcontractor's Contact Person:

D. RFQ Informational Meeting (if applicable)

If indicated in *Section I*, an informational meeting regarding the prequalification process for this Project will be held. (If applicable, attendance is optional for those interested in responding to the *RFQ*.)

E. Optional Site Visit

If indicated in *Section I*, a site visit will be available during the *RFQ* Phase. (If applicable, attendance is optional for those interested in responding to the *RFQ*.)

F. Review/Availability Of Contract Documents

Drawings, specifications and other documents will not be available to respondent Subcontractors during the *RFQ* Phase.

G. General Contractor Prequalification

The Project will require prequalification of General Contractors. If applicable, General Contractors will be prequalified to submit general bids under a separate **RFQ** and prequalification process:

H. Additional Instructions

See *Section VII: Additional Information* for additional instructions regarding the prequalification process.

Section IV: Overview Of Prequalification Process

- This *Request for Qualifications* (“*RFQ*”) is issued pursuant to M.G.L. c. 149, § 44D¾. Firms interested in providing Subcontractor services for the construction of the project described in *Section I and Section II* (“the Project”) MUST submit a *Statement of Qualifications* (“*SOQ*”) in response to this *RFQ* to the Awarding Authority as instructed in *Section III and Section VIII*, herein.
- The Subcontractor selection process for this Project is a two-phase process as set forth in M.G.L. c. 149, § 44D¾. The project delivery method for construction will be under M.G.L. c. 149. The Awarding Authority is prequalifying firms interested in providing Subcontractor services for the Project through this *RFQ* prequalification process.

***** **IMPORTANT NOTICES** *****

Participation in the RFP Bidding Phase of this Project will be limited to ONLY those Subcontractor firms who have submitted a *SOQ* (and required supporting documentation) in response to this *RFQ* and that have been deemed prequalified by the Awarding Authority. Subcontractors that fail to respond to this *RFQ* and submit a *SOQ* with the required supporting documentation by the Submission Deadline set forth in *Section I* and Subcontractors that have not been deemed prequalified by the Awarding Authority shall be automatically disqualified from bidding on this Project.

The Awarding Authority is prequalifying All Subcontractors and General Contractors for this Project. Therefore, responses to this *RFQ* will be considered ONLY for the prequalification of Subcontractors that, if deemed prequalified will be invited to submit a bid pursuant to M.G.L. c. 149, § 44F. Any contractor seeking to be prequalified as both a General Contractor and Subcontractor for a particular filed sub-bid trade(s) shall be required to file separate responses to BOTH this *RFQ* and the *RFQ* issued to prospective General Contractors for this Project.

***** **IMPORTANT NOTICES** *****

Section V: Administration/Schedule For Prequalification Process

A. “Two-Phase” Selection Process

Selection of Subcontractors for the Project will be conducted in a **two-phase** process as set forth in M.G.L. c. 149, § 44D^{3/4}. Subcontractor firms must first be prequalified in the *Phase One – RFQ/Prequalification Phase* in order to bid on the Project in *Phase 2 – RFP/Bidding Phase*.

1. *Phase One – RFQ/Prequalification Phase*

- **Submission Of Statement Of Qualifications (“SOQ”) -** Interested Subcontractor firms must submit a completed SOQ; completed *Schedules A through K*, and all required supporting documentation referenced therein in response to this *RFQ* by the *Submission Deadline* set forth in *Section I*.
- **Prequalification Committee** –The Awarding Authority has appointed a *Prequalification Committee* to review and evaluate the SOQs (and supporting documentation) submitted by interested Subcontractors. The *Prequalification Committee* shall consist of one (1) representative from the Project Designer, one (1) representative from the Owner’s Project Manager and three (3) representatives from the Awarding Authority.
- **Evaluation By Prequalification Committee** - The *Prequalification Committee* shall meet as necessary to evaluate and review the SOQs (and supporting documentation) submitted by each respondent Subcontractor firm in accordance with the evaluation criteria set forth in *Section VI*.
- **Notice To Respondent Subcontractors** – The Awarding Authority anticipates concluding the *RFQ* evaluation and review process within the time set forth in *Section V(B) herein*. Upon completion of the evaluation and review process described herein, the *Prequalification Committee* shall provide written notice to all respondent Subcontractors as to whether they are deemed prequalified or not. Prequalified Subcontractor firms shall also be invited to participate in *Phase Two*, the *RFP/Bidding Phase* of the Subcontractor selection process.

2. Phase Two – RFP/Bidding Phase

- Subcontractor firms determined in *Phase One* by the *Prequalification Committee* to be prequalified will be invited to bid on the Project. **Only firms deemed prequalified during Phase One – RFQ/Prequalification Phase will be permitted to participate in Phase Two, the RFP/Bidding Phase. Firms that are not prequalified by the Prequalification Committee and firms that do not participate in the RFQ phase will be precluded from participating in Phase Two - the RFP Bidding/Phase.**

B. Anticipated Schedule For Prequalification/Bidding

Anticipated Completion of Prequalification Evaluations:	August 24, 2017
Anticipated RFP to Prequalified Bidders:	October 10, 2017
Anticipated Notice To Proceed:	November 28, 2017
Anticipated Construction Schedule:	20 months Phase I 4 months Phase II

Section VI: Evaluation Procedure/Criteria For Prequalification Selection

A. Sources of Information Considered

Respondent Subcontractors must submit documentation for the four (4) statutory evaluation criteria categories listed herein. Prequalification will be based on the submitted information and materials as well as information on prior project performance, information obtained from references, information obtained from governmental agencies and entities, information contained within DCAM’s certification files, and such other information as may be obtained relating to the evaluation criteria categories. The *Prequalification Committee* may also request and review additional information as necessary to clarify or supplement the information provided to or obtained by the Awarding Authority.

Do not include superfluous material. You must include the *SOQ Response Form, Sub RFQ Form 2* and *Schedules K through J* attached hereto. You must give complete and accurate answers to all questions and provide all of the information requested. Making a materially false statement in this SOQ submission is grounds for rejection and debarment.

B. Evaluation Procedure

As set forth herein and in accordance with M.G.L. c. 149, § 44D³/₄ and 810 CMR 9.00, the Awarding Authority has established a *Prequalification Committee* for the purpose of reviewing and evaluating responses to this *RFQ*. The *Prequalification Committee* shall evaluate interested Subcontractors based on the evaluation criteria set forth herein and assign points for each evaluation criterion category and subcategory provided herein. The *Prequalification Committee* shall prepare a written evaluation score form for each respondent Subcontractor that provides a composite point rating and a specific point rating for each of the evaluation criterion set forth in M.G.L. c. 149 and herein. The *Prequalification Committee* shall only prequalify those Subcontractor firms that have achieved the minimum points required in each category set forth herein and a minimum total score of seventy (70) points.

Only Subcontractor firms achieving the minimum score required in each evaluation category set forth herein, as well as a minimum total score of seventy (70) points overall shall be prequalified and invited to submit bids consistent with M.G.L. c. 149, § 44F. An interested Subcontractor's score shall be made available to the Subcontractor upon request.

The decision of the *Prequalification Committee* shall be final and shall not be subject to appeal except on grounds of fraud or collusion.

C. Criteria For Prequalification

SOQs must be submitted on the *Sub RFQ Form 2* attached hereto. Interested Subcontractors submitting a SOQ and supporting information in any other form will not be prequalified. The *Prequalification Committee* shall review and evaluate the information submitted by interested Subcontractors in accordance with the statutory point scheme set forth in M.G.L. c. 149, § 44D³/₄. Also in accordance with § 44D³/₄, the RFQ shall set forth the available points for each evaluation sub-category in order to provide interested Subcontractors prior notice of the points available in each sub-category.

- 1. *Management Experience - (50 points available in this category; minimum of 25 points required in this category for prequalification approval)***
 - a. *Business Owners:*** Provide the name, title, including a detailed description of the role and job responsibilities, scope of work and numbers of years with the firm for each of the business owner(s) of the firm. If the respondent Subcontractor is a partnership, **YOU MUST** provide the requested information for each general and limited partner. If the respondent Subcontractor is a corporation or limited

liability company, **YOU MUST** provide the requested information for each officer, director and/or member.
(2 points available)

1. At least one (1) principal of the subcontractor has five (5) or more consecutive years of employment with the subcontractor – two (2) points.
2. At least one (1) principal of the subcontractor has three (3) or more but less than five (5) consecutive years of employment with the subcontractor – one (1) point.
3. No principal of the subcontractor has three (3) or more consecutive years of employment with the subcontractor – zero (0) points.
4. No response or incomplete response – zero (0) points

b. Management Personnel: Provide the name, title, including a detailed description of the role and job responsibilities, scope of work, education, construction experience, years with the firm and list of all projects completed for all management personnel who will have any direct or indirect responsibility over the Project, including but not limited to project executives, project managers, field superintendents and field engineers. (8 points available)

1. At least one (1) management person of the subcontractor who will work on this project has ten (10) or more consecutive years of employment as a management person with the subcontractor – eight (8) points.
2. At least one (1) management person of the subcontractor who will work on this project has seven (7) or more consecutive years of employment as a management person with the subcontractor – five (5) points.
3. At least one (1) management person of the subcontractor who will work on this project has five (5) or more consecutive years of employment as a management person with a subcontractor or subcontractors in public school construction – three (3) points.
4. At least one (1) management person of the subcontractor who will work on this project has three (3) or more consecutive years of employment as a management person with a subcontractor or

subcontractors in public building construction – two (2) points.

5. At least one (1) management person of the subcontractor who will work on this project has two (2) or more consecutive years of employment as a management person with a subcontractor or subcontractors in public building construction – one (1) point
6. No response or incomplete response – zero (0) points.

c. Similar Project Experience: Provide the project name(s), description, scope of work, original contract sum, final contract sum with explanation, and date of completion for each and every similar project undertaken by the firm in the last (5) five years. For purposes of this RFQ, “similar projects” shall mean a new public school project in excess of \$25 million. (15 points available)

1. The subcontractor has successfully completed its work on construction of at least five (5) similar projects within the past five (5) years – fifteen (15) points.
2. The subcontractor has successfully completed its work on construction of at least four (4) similar projects within the past five (5) years – twelve (12) points.
3. The subcontractor has successfully completed its work on construction of at least three (3) similar projects within the past five (5) years – eight (8) points.
4. The subcontractor has successfully completed its work on construction of at least two (2) similar projects within the past five (5) years – six (6) points.
5. The subcontractor has successfully completed its work on construction of one (1) or fewer similar projects within the past five (5) years – three (3) points.
6. No response or incomplete response – zero (0) points.

d. Terminations: Provide a list of any projects on which the firm was the Subcontractor and was terminated, held in default, or failed to complete the work. Include the name of the project, the timeframe of the project and circumstances surrounding the termination or default. (10 points available)

1. The subcontractor has not been terminated on any project within ten (10) years and has not failed to complete the work on any project within ten (10) years provided that termination on a project or failure to complete a project, which in either event, is for reasons beyond the control of the subcontractor shall be disregarded – ten (10) points.
2. Within the past ten (10) years the subcontractor has been terminated on a project or has failed to complete the work on a project, must provide documentation/explanation – maximum one (1) point.
3. Within the past five (5) years the subcontractor has been terminated on a project or failed to complete a project-zero (0) points
4. No response or incomplete response – zero (0) points.

e. Legal Proceedings: Provide information regarding each and every legal proceeding, administrative proceeding and arbitration pending against the Subcontractor (including OSHA; DEP; and Wetland violations). In addition, provide information regarding each and every legal proceeding, administrative proceeding or arbitration concluded adversely to the Subcontractor within the past five (5) years, which relate to the procurement or performance of any public or private construction contract. *(10 points available)*

1. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the subcontractor within the past three (3) years which relate to the procurement or performance of any public construction contract or private construction contract – ten (10) points.
2. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the subcontractor within the past two (2) years which relate to the procurement or performance of any public construction contract or private construction contract – five (5) points
3. No legal proceedings or administrative proceedings are pending nor have been concluded adversely to the subcontractor within the past one (1) year which relate to the procurement or performance of any public construction contract or private construction contract – three (3) points

4. Failure to disclose any pending or concluded legal proceedings or administrative proceedings required to be included in the subcontractor's response – zero (0) points.
5. No response or incomplete response – zero (0) points.

f. Safety Record: Provide the three (3) year history of the Subcontractor's workers' compensation experience modifier. In addition, provide documentation from the Subcontractor's insurance carrier supporting the rating history provided.
(5 points available)

1. Average value of the submitted history of the subcontractor's workers' compensation modifier is 1.0 or less – five (5) points.
2. Average value of the submitted history of the subcontractor's workers' compensation modifier is 1.0 to 1.2 – three (3) points.
3. Average value of the submitted history of the subcontractor's workers' compensation modifier is 1.2 to 1.35 – two (2) points.
4. Average value of the submitted history of the subcontractor's workers' compensation record is greater than 1.35 – zero (0) points.
5. No response or incomplete response – zero (0) points.

2. References - (30 points available in this category; minimum of 15 points required in this category for prequalification approval)

a. Project References: Provide reference information for Owners, Architects, and Owner's Project Managers (OPM) for each and every project listed in your response to *Section VI(C)(1)(c)*. Information provided shall at least include project name and the names of the owners, owners project manager, and architects, with current address, current telephone, fax numbers, email address and contact person for each. Note: The Prequalification Committee may also consider project reference information and project evaluations obtained from the Update Statement, DCAM's certification files and information provided in response to *Subsection 2(c)* herein. (25 points available)

1. All reference are favorable – twenty five (25) points.

2. One (1) unfavorable reference – fifteen (15) points.
3. Two (2) unfavorable references – five (5) points.
4. Three (3) or more unfavorable references – one (1) point.
5. No favorable references – zero (0) points.

b. Credit References: Provide a minimum of five (5) credit references, including the current telephone and fax numbers of a contact person from key suppliers, vendors and banks. Also reference Section VII (D) of Part One, the RFQ for this Project for Additional Information. (3 points available)

1. Five (5) or more favorable credit references at least one of which is a bank or a recognized lending institution –three (3) points.
2. Four (4) favorable credit references at least one of which is a bank or a recognized lending institution – two (2) points.
3. Three (3) favorable credit references at least one of which is a bank or a recognized lending institution – one (1) point.
4. Two (2) favorable credit references or less, with at least one of which is a bank or a recognized lending institution – zero (0) points.
5. No response or incomplete response – zero (0) points.

c. Public Project Record: Provide a list of all completed public building construction projects (as defined by M.G.L. c. 149, § 44A) worked on during the past five (5) years with the project name, scope of work, contract value, start date, completion date, status of the project, owner’s name (including address, telephone number, fax number, and contact person) and architect’s name (including address, telephone number, fax number and contact person). (2 points available)

1. Work successfully completed on five (5) or more public building projects during the past five (5) years – two (2) points.
2. Work successfully completed on four (4) public building projects during the past five (5) years – one (1) points.
3. Work successfully completed on three (3) public building projects or less during the past five (5) years – zero (0) points.

4. No response or incomplete response – zero (0) points
- 3. Capacity to Complete Projects - (20 points available in this category; minimum of 10 points required in this category for prequalification approval)**
- a. **Prior Revenue:** Submit the prior annual revenue for the last three (3) fiscal years. (15 points)
 1. Average revenue is 150% or greater of estimated amount of trade category listed in this RFQ – fifteen (15) points.
 2. Average revenue is between 150% and 125% of estimated amount of trade category listed in this RFQ – twelve (12) points.
 3. Average revenue is between 125% and 100% of estimated amount of trade category listed in this RFQ – nine (9) points.
 4. Average revenue is between 100% and 75% of estimated amount of trade category listed in this RFQ – six (6) points.
 5. Average revenue is between 75% and 50 % of estimated amount of trade category listed in this RFQ – four (4) points.
 6. Average revenue is less than 50% of estimated amount of trade category listed in this RFQ-zero (0) points
 7. No response or incomplete response- zero (0) points
 - b. **Revenue under Contract:** Submit revenue under contract for the next three (3) years. (5 points)
 1. Revenue is 200% or greater of estimated amount of trade category listed in this RFQ – five (5) points.
 2. Revenue is between 200% and 150% of estimated amount of trade category listed in this RFQ – four (4) points.
 3. Revenue is between 150% and 100% of estimated amount of trade category listed in this RFQ – three (3) points.
 4. Revenue is between 100% and 50% of estimated amount of trade category listed in this RFQ – two (2) points.
 5. Revenue is less than 50% of estimated amount of trade category listed in this RFQ – one (1) point.
 6. No response or incomplete response – zero (0) points.

4. Mandatory Requirements - (no points assigned)

- a. Bonding Capacity:** Interested Subcontractors must provide a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on the United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (100%) of the estimated construction cost for the subtrade that the Subcontractor is seeking prequalification as set forth in Section I.
- b. DCAM Certification:** Interested Subcontractors must provide a currently valid Certificate of Eligibility issued by DCAM to the Subcontractor pursuant to M.G.L. c. 149, § 44D, showing a single and aggregate capacity rating sufficient for the Project.
- c. Update Statement:** Interested Subcontractors must provide a current and completed Update Statement prepared by the interested Subcontractor.

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Section VII: Additional Information

A. Status Of Request For Qualifications

This *RFQ* is solely a request for information. It does not represent an offer nor does it confer any rights on any respondent Subcontractor. The Awarding Authority shall not be responsible under any circumstances for any costs incurred by any respondent Subcontractors to this *RFQ*. The Awarding Authority reserves the right to cancel this procurement at any time if it is in its the best interest to do so.

B. Treatment Of Information Submitted

With the exception of the required audited financial statements, the Awarding Authority shall have no obligation to treat any information submitted by an interested Subcontractor in or in connection with a *SOQ* as proprietary or confidential unless the Awarding Authority determines that the information legitimately requires such treatment. In such case, the Awarding Authority's obligation with respect to protection and disclosure of such information shall at all times be subject to applicable laws. The Awarding Authority shall have the right to use all or portions of the *SOQ*, as it considers necessary or desirable in connection with the Project. By the submission of a *SOQ*, the respondent Subcontractor thereby grants to the Awarding Authority an unrestricted license to use the *SOQ*, including all materials submitted therewith, in connection with the project.

C. Communication Between Awarding Authority and Respondent Subcontractors

Unauthorized communications or contact between Subcontractors, their employees, agents or other related entities interested in submitting a *SOQ* and the Awarding Authority, the project designer, the project manager, or any other person or entity participating on the Prequalification Committee with regard to the Project are strictly prohibited. The only authorized communications shall be 1) inquiries to the Awarding Authority for general information about obtaining the *RFQ*, *RFQ* submission deadlines, and the existence of any relevant addenda to the *RFQ*; and 2) inquiries made at the official Pre-*RFQ* Submission meeting held by the Awarding Authority. If applicable, the official Pre-*RFQ* Submission Meeting will be held at the date and time set forth in *Section I*.

Any issues brought to the Awarding Authority's attention at the Pre-*RFQ* Submission meeting, which the Awarding Authority determines will require additional clarification will be addressed by issuing a written addendum. Oral and other clarifications will be without legal effect. All such addenda will be considered part of this *RFQ*, and the respondent

Subcontractor shall be required to acknowledge receipt of all addenda on the RFQ Proposal Response Form attached to this RFQ. The Awarding Authority will email all addenda to all respondent Subcontractors that have mailed or faxed an RFQ Interest Form, *Sub RFQ Form 1* to the Awarding Authority or have received the RFQ directly from the Awarding Authority and will post the addenda on the web site <http://procurementdocuments.smma.com> and <http://www.comm-pass.com> in the listing for this Project. It shall be the sole responsibility of the respondent Subcontractor to ascertain the existence of any and all addenda issued by the Awarding Authority.

From the date of issuance of this RFQ, any respondent Subcontractor that contacts directly or indirectly any member or employee of the Awarding Authority, or the project designer, or the project manager, or any member of the *Prequalification Committee* in connection with the selection process or the contract contemplated herein for this project is subject to disqualification. Contact is permitted for the purpose of obtaining a copy of this RFQ or to submit a verbal or written question or request for clarification at the Pre-RFQ Submission meeting as set forth in *Section I*.

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Part Two: Forms to Be Completed By Subcontractor

RFQ Interest Form

Sub RFQ Form 1

Instructions: If your firm is interested in responding to the RFQ for Prequalification of Subcontractors for this Project then Sub RFQ Form 1 MUST be submitted to the Awarding Authority BEFORE submitting the SOQ Application Sub RFQ Form 2.

Awarding Authority:	Town of Bourne
Project No.:	MSBA ID: 201400360010
Project Name:	New Peebles Elementary School

Email or Fax this *RFQ Interest Form* to¹:

Symmes Maini & McKee Associates,
1000 Massachusetts Avenue,
Cambridge, Massachusetts 02138
opm@smma.com 617-354-5758

By submitting this *Sub RFQ Interest Form* the below identified firm is expressing its interest in the above-referenced public building construction project and is requesting that it be added to the list of firms that will receive any addenda to the *RFQ* on the Project. **The Awarding Authority assumes no responsibility for a firm's failure to receive any addenda or other correspondence related to this *RFQ* due to the firm's failure to submit an *RFQ Interest Form* as directed above or for any other reason.**

Subcontractor Firm Name:	
Subcontractor Address:	
Subcontractor Telephone:	
Subcontractor Facsimile:	
Subcontractor Contact	
Subtrade Category:	
Date Submitted:	

By:

(Signature of Authorized Representative)

¹ Note: The Statement of Qualifications ("SOQ") application form (SUB RFQ Form 2) and accompanying *Schedules A through K*, submitted in response to this RFQ **MAY NOT BE FAXED.**

**Statement of Qualifications Application for Subcontractors
Sub RFQ Form 2**

Note: See Sections III and VII of Part One, the RFQ for this Project, for instructions on completing this Statement of Qualifications and accompanying Schedules A through K.

Project Name:	New Peebles Elementary School
Project No:	MSBA ID: 201400360010
Awarding Authority:	Town of Bourne
Subcontractor Name:	
Subcontractor Mailing Address:	
Subcontractor Street Address:	
Telephone Number:	
Facsimile Number:	
Contact Person/Title:	

Note: YOU MUST indicate in the table below each and every subtrade for which you are seeking prequalification. YOU MUST submit a separate SOQ for each and every one.

	Section #	Trade Category
<input type="checkbox"/>	040001	Masonry
<input type="checkbox"/>	050000	Miscellaneous and Ornamental Iron
<input type="checkbox"/>	070001	Waterproofing, Dampproofing and Caulking
<input type="checkbox"/>	070002	Roofing and Flashing
<input type="checkbox"/>	080001	Metal Windows
<input type="checkbox"/>	080002	Glass and Glazing
<input type="checkbox"/>	090001	Tile
<input type="checkbox"/>	090003	Acoustical Tile
<input type="checkbox"/>	090005	Resilient Floors
<input type="checkbox"/>	090007	Painting
<input type="checkbox"/>	140001	Elevators
<input type="checkbox"/>	210001	Fire Protection
<input type="checkbox"/>	220001	Plumbing
<input type="checkbox"/>	230001	Heating, Ventilation & Air-Conditioning
<input type="checkbox"/>	260001	Electrical

1. ***Management Experience - (50 points available; minimum of 25 points required for prequalification approval)***
 - a. ***Business Owners (2 points):*** Interested Subcontractors **MUST COMPLETE Schedule A** and **MUST ATTACH** to it a resume for each and every business owner of your firm as set forth in *Section VI(C)(1)(a)* of *Part One*, the RFQ for this Project.
 - b. ***Management Personnel (8 points):*** Interested Subcontractors **MUST COMPLETE Schedule B** and **MUST ATTACH** to it a resume for each and every person who will have **any** management responsibility, direct or indirect, for the Project, including, but not limited to, project executives, project managers, field superintendents and field engineers, as set forth in *Section VI(C)(1)(b)* of *Part One*, the RFQ for this Project.
 - c. ***Similar Project Experience (15 points):*** Interested Subcontractors **MUST COMPLETE Schedule C** and list similar projects for the last five (5) years. For each project, you must include the name, description of project, description of your firm's scope of work, original contract sum, final contract sum (with explanation) and date completed. For the purpose of this RFQ, "similar projects" shall be defined as defined in *Section VI(C)(1)(c)* of *Part One*, the RFQ for this Project.
 - d. ***Terminations (10 points):*** Interested Subcontractors **MUST COMPLETE Schedule D** and list each and every project on which your firm was terminated or failed to complete the work as set forth in *Section VI(C)(1)(d)* of *Part One*, the RFQ for this Project.
 - e. ***Legal Proceedings (10 points):*** Interested Subcontractors **MUST COMPLETE Schedule E** and list any and all legal proceeding or administrative proceeding or arbitration currently pending against your firm. Interested Subcontractors must also list each and every legal proceeding or administrative proceeding or arbitration concluded adversely against your firm within the past five (5) years as set forth in *Section VI(C)(1)(e)* of *Part One*, the RFQ for this Project.
 - f. ***Safety Record (5 points):*** Interested Subcontractors **MUST COMPLETE Schedule F** and provide the three (3) year history of its workers' compensation modifier rating as set forth in *Section VI(C)(1)(f)* of *Part One*, the RFQ for this Project, and **MUST ATTACH** to **Schedule F** documentation from its insurance carrier supporting the ratings reported therein or no points may be awarded.
2. ***References - (30 points available; minimum of 15 points required for prequalification approval)***
 - a. ***Project References (25 points):*** Interested Subcontractors **MUST COMPLETE Schedule G** and provide project references from owners

and architects for all projects as required in *Section VI(C)(2)(a)* of *Part One*, the *RFQ* for this Project.

- b. Credit References (3 points): Interested Subcontractors **MUST COMPLETE Schedule H** and provide a minimum of five (5) credit references as required in *Section VI(C)(2)(b)* of *Part One*, the *RFQ* for this Project.**
 - c. Public Project Record (2 points): Interested Subcontractors **MUST COMPLETE Schedule I** and list all completed public building construction projects completed by your firm during the past five (5) years as required in *Section VI(C)(2)(c)* of *Part One*, the *RFQ* for this Project.**
- 3. Capacity to Complete Project - (20 points available; minimum of 10 points are required for prequalification approval)**
 - a. Prior Revenue (15 points):** Interested **Subcontractors MUST COMPLETE Schedule J** and list prior revenue for the last three (3) fiscal years. (Note: whether submitted in a sealed envelope or not, such audited financial statements shall not be considered public records).
 - b. Revenue Under Contract (5 points):** Interested Subcontractors **MUST COMPLETE Schedule K** and list revenue under contract for the next three (3) fiscal years. Such financial information shall not be considered public records.
- 4. Mandatory Requirements: (no points are assigned)**
 - a. Payment and Performance Bonds:** Interested Subcontractors **MUST ATTACH** to the *Sub RFQ Form 2* a commitment letter (from a surety company licensed to do business in the Commonwealth of Massachusetts and whose name appears on United States Treasury Department Circular 570) for payment and performance bonds in an amount equal to or greater than one hundred percent (100%) of the estimated construction cost of this Project.
 - b. Certificate of Eligibility: (Required as of January 1, 2006)** Interested Subcontractors **MUST ATTACH** to the *Sub RFQ Form 2* a currently valid *Certificate of Eligibility* (issued by DCAM).
 - c. Update Statement: (Required as of January 1, 2006)** Interested Subcontractors **MUST ATTACH** to the *Sub RFQ Form 2* a current and completed *Update Statement*.
- 5. Execution Requirements**
 - a. RFQ Response Checklist:** Before signing and submitting its SOQ application package for this Project, interested Subcontractors are

advised to carefully review the *RFQ Response Checklist – Sub RFQ Form 3*.

- b. Acknowledgement of Addenda.** By signing below, the interested Subcontractor **acknowledges receipt of the following addenda** to this RFQ: [Insert Addenda #]
- c. Incomplete or Inaccurate Information:** Failure to accurately and completely provide the information requested may result in the disqualification.
- d. Authorization to Sign:** This form **MUST** be signed by an officer of the firm or an individual so authorized by an officer of the firm who has personal knowledge regarding the information contained herein.
- e. Debarment Status:** By signing below, the interested Subcontractor certifies that it is not currently debarred from performing public work for the Commonwealth of Massachusetts or the Federal Government.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

Signature: _____

Print Name:
Title:
Telephone:
Date:

[Insert Sub Firm Name]

SCHEDULE A – BUSINESS OWNERS: Interested Subcontractor **MUST** provide the following information and attach a copy of the resume for each and every business owner of the firm in accordance with Section VI(C)(1)(a) of *Part One*, the *RFQ* for this Project.

NAME	TITLE	ROLE/JOB RESPONSIBILITIES/ SCOPE OF WORK	# OF YEARS W/FIRM	EDUCATION/EXPERIENCE

[Insert Sub Firm Name]

SCHEDULE B – MANAGEMENT PERSONNEL: Interested Subcontractors **MUST** provide the following information and attach a copy of the resume for each and every person who will have any direct or indirect management responsibility for the Project, including but not limited to, project executives, project managers, project superintendents, etc. in accordance with Section VI(C)(1)(b) of *Part One*, the *RFQ* for this Project.

NAME	TITLE	ROLE/JOB RESPONSIBILITIES/ SCOPE OF WORK	# OF YEARS W/FIRM	EDUCATION/EXPERIENCE	COMPLETED PROJECTS

[Insert Sub Firm Name]

SCHEDULE C - SIMILAR PROJECT EXPERIENCE: Interested Subcontractor **MUST** list all similar projects your firm has completed during the last five (5) years. For the purpose of this *RFQ* “similar projects” shall be as defined in *Section VI(C)(1)(c)* of *Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	PROJECT OWNER	PROJECT DESCRIPTION AND SPECIFIC SCOPE	ORIGINAL AND FINAL CONTRACT AMOUNT AND EXPLANATION	DATE COMPLETED (M/D/YYYY)

[Insert Sub Firm Name]

SCHEDULE D - TERMINATIONS: Interested Subcontractors are required to list each and every project on which it was terminated or failed to complete the project as set forth in *Section VI(C)(1)(d)* of *Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	SCOPE OF WORK PERFORMED	CONTRACTED WITH	START & END DATES	ESTIMATED CONTRACT AMOUNT	% COMPLETE	REASON FOR TERMINATION

[Insert Sub Firm Name]

SCHEDULE E - LEGAL PROCEEDINGS: Interested Subcontractors are required to list each and every legal proceeding, administrative proceeding or arbitration currently pending and each and every legal proceeding, administrative proceeding and arbitration concluded adversely against it within the past five (5) years as set forth in *Section VI(C)(1)(e) of Part One*, the *RFQ* for this Project.

PROJECT NAME & LOCATION	PROJECT OWNER	DESCRIPTION OF LEGAL PROCEEDING (include caption of case, parties, location of proceeding, description of the dispute or enforcement action and status and/or outcome)

[Insert Sub Firm Name]

SCHEDULE F – SAFETY RECORD: Interested Subcontractors are required to provide the three (3) three year history of its workers' compensation experience modifier and attached documentation from its insurance carrier supporting the ratings reported herein as set forth in *Section VI(C)(1)(f)* of *Part One*, the *RFQ* for this Project.

YEAR	WORKERS' COMP. EXPERIENCE MODIFIER	COMMENTS

[Insert Sub Firm Name]

SCHEDULE G - PROJECT REFERENCES: Interested Subcontractors are required to list references for prior work your firm has performed as set forth in *Section VI(C)(2)(a) of Part One*, the *RFQ* for this Project.

PROJECT TITLE	COMPANY NAME	CONTACT PERSON/ADDRESS	TELEPHONE#	FAX#
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			
	OWNER: DESIGNER:			

[Insert Sub Firm Name]

SCHEDULE H - CREDIT REFERENCES: Interested Subcontractors are required to list a minimum of five (5) credit references from banks, suppliers and/or vendors as set forth in *Section VI(C)(2)(b) of Part One*, the RFQ for this Project.

CHECK ONE	COMPANY NAME	CONTACT PERSON	TELE#	FAX#
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				
<input type="checkbox"/> BANK <input type="checkbox"/> SUPPLIER <input type="checkbox"/> VENDOR				

[Insert Sub Firm Name]

SCHEDULE I - PUBLIC PROJECT RECORD: – Interested Subcontractors are required to list all completed public buildings during the past five (5) years in accordance with Section VI(C)(2)(c) of *Part One*, the *RFQ* for this Project. (You may attach additional pages if necessary).

PROJECT INFORMATION	CONTACT INFORMATION Provide business and contact name, address, telephone and fax
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:
PROJECT NAME: CONTRACT VALUE: SCOPE: START DATE: FINISH DATE:	AWARDING AUTHORITY: DESIGNER:

[Insert Sub Firm Name]

SCHEDULE J – PRIOR REVENUE: – Interested Subcontractors are required to list prior revenue for the last three (3) fiscal years in accordance with Section VI(C)(3)(a) of *Part One*, the *RFQ* for this Project.

Firm's fiscal year runs _____ to _____.

YEAR	REVENUE UNDER CONTRACT (\$)

[Insert Sub Firm Name]

SCHEDULE K – REVENUE UNDER CONTRACT: – Interested Subcontractors are required to list revenue under contract for next three (3) fiscal years in accordance with Section VI(C)(3)(b) of *Part One*, the *RFQ* for this Project.

Firm's fiscal year runs _____ to _____.

YEAR	REVENUE UNDER CONTRACT (\$)

RFQ RESPONSE CHECKLIST - Sub RFQ Form 3

NOTE: LATE APPLICATIONS FOR PREQUALIFICATION WILL NOT BE CONSIDERED. THEREFORE, BEFORE SUBMITTING A RESPONSE TO THIS RFQ, PLEASE REVIEW THE FOLLOWING:

- Did you fax or mail the *RFQ Interest Form (Sub RFQ Form 1)* to the Awarding Authority?
- Did you complete the entire SOQ application package (*Sub RFQ Form 2*)?
- Did you fully complete *Schedules A through K*?
- Did you attach the resumes of owners and management personnel identified in your responses to *Schedule A* and *Schedule B*?
- Did you attach the required documentation from your insurance company supporting the workers' compensation modifier history you reported in *Schedule F*?
- Do you have the current contact information for all of the references you reported in *Schedule G*, *Schedule H* and *Schedule I*?
- Did you attach a commitment letter for payment and performance bonds as required in *Section 4(a) of Part Two, Sub RFQ Form 2*?
- Did you attach a currently valid *DCAM Certificate of Eligibility* as required in *Section 4(b) of Part Two, Sub RFQ Form 2*? (required as of January 1, 2006)
- Did you attach a completed and signed *Update Statement* as required in *Section 4(c) of Part Two, Sub RFQ Form 2*? (required as of January 1, 2006)
- Did you include the original and all required copies of your entire SOQ application package?
- Did you address the SOQ envelop correctly (i.e. to reference the Project and other required information set forth herein)?
- Did you review all of the execution requirements before signing the SOQ application form?
- Is the person who signed the SOQ application form authorized to do so and did his or her correct and current contact information?