

Prince George’s County Public Schools

Department of Capital Programs

Louis Wilson Sr. Facilities Administration Building
13300 Old Marlboro Pike, Room 14
Upper Marlboro, MD 20772
Email: dcp.procurement@pgcps.org

**PREQUALIFICATION
NOTICE TO GENERAL CONTRACTORS**

TITLE:

**DCP20-018(pq) Contractor Prequalification for
New Glenridge Area Middle School Project**

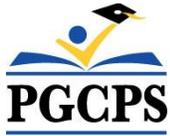
LINK TO PREQUALIFICATION PROCEDURES & APPLICATION:

<https://drive.google.com/open?id=1QspgJ-89xdDqGr39CbM0i3TELnF2-pk>

SCHEDULE:

Prequalification Milestones	Date
Prequalification Notice to General Contractors	May 6, 2020
Prequalification Questions due to PGCPS Procurement	May 13, 2020
Prequalification Submissions	May 20, 2020 Between the hours of 12:00 pm & 2:00 pm
Prequalification Notice of Prequalified Contractors	June 10, 2020

DATE OF ISSUE: May 6, 2020



PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

New Glenridge Area Middle School Project

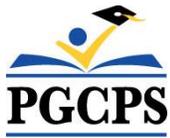
PRIME CONTRACTOR PREQUALIFICATION PROCEDURES

SECTION 1 - PROCEDURES

Prince Georges County Public Schools ("PGCPS") adopts the following procedures to prequalify prime contractors to offer bids on the New Glenridge Area Middle School project.

PART 1: PURPOSE

1. The Department of Capital Programs of Prince George's County Public Schools ("PGCPS") will conduct through this procedure, the pre-qualification of prime contractors to offer bids on the New Glenridge Area Middle School project.
2. This procedure shall be conducted in a method and manner that will serve the best interests of PGCPS.
3. The purpose of this prequalification shall be to qualify prospective bidders, with relevant construction experience of similar construction projects, to prime contractors that will meet PGCPS expectation by demonstrating their company possesses the technical and financial capacity necessary to enter into a contract with PGCPS to construct the New Glenridge Area Middle School project.
4. Only contractors who have complied with the prequalification process, achieve the minimum or better requisite score on their prequalification Application, and found qualified by PGCPS will be approved to submit bids for the New Glenridge Area Middle School project.
5. This prequalification prescribes specific mandatory requirements contractors must meet in order to prequalify for the New Glenridge Area Middle School project.
6. In conducting the prequalification of potential contractors, PGCPS shall follow the established prequalification process for identifying prospective contractors.

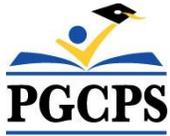


7. The documentation prescribed in this prequalification identifies the criteria upon which the qualifications of prospective contractors will be evaluated.
8. Documentation requested from prospective contractors will be used for an objective evaluation of all prospective contractors pursuant to such criteria.
9. All documentation voluntarily submitted by the contractor as part of its prequalification Application shall not be considered public records and are **not** open to public inspection

PART 2: PREQUALIFICATION RESULT

1. PGCPS shall advise in writing each contractor who submitted an Application whether that contractor has been approved or denied prequalification.
2. Contractors achieving the minimum or better technical score of 125 will be approved. Scoring of proposals are weighted as follows:

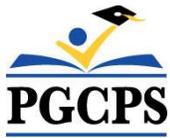
a. Overall Qualification and Project Capacity	85 points
b. LEED Experience	10 points
c. Average Ratings Provided By References	50 points
d. Bonding Capability	10 points
3. PGCPS may deny prequalification to any contractor as a result of one of the following:
 - A. The Contractor submits an incomplete prequalification Application;
 - B. The Contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the Contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the public body shall be sufficient to establish the financial ability of the Contractor to perform the contract resulting from such procurement;
 - C. The Contractor does not have appropriate experience to perform the construction project in question;
 - D. The Contractor or any officer, director or owner have ever had judgments entered against them for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management;
 - E. The Contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with a public body without good cause.



- F. If the public body has not contracted with a Contractor in any prior construction contracts, the public body may deny prequalification if the Contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. *A public body may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto given to the Contractor at that time, with the opportunity to respond;*
 - G. The Contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to Frauds acts or any substantially similar law of the United States or another state;
 - H. The Contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government
- 4. In the event that a contractor is denied prequalification, the written notification to the contractor shall state the reasons for the denial of prequalification and the factual basis of such reasons.
 - 5. A decision by PGCPS under this prequalification process shall be final and conclusive unless the contractor appeals the decision as may be provided in the procedure.
 - 6. In determining if a contractor has the “appropriate experience” to be prequalified, PGCPS may consider and use specific minimum experience requirements. PGCPS may also consider the contractor’s past performance on PGCPS or another school system projects that provide its past experience to determine if the prime contractor possess the appropriate experience required.

PART 3: INTERPRETATION

- 1. To the extent that any provision in this process is deemed to be inconsistent with any procurement related or applicable portions of the Code of Maryland Regulations (COMAR), whether due to amendment of that statutory provision or otherwise, the provisions of COMAR shall control such inconsistency.
- 2. The provisions of this process and its implementation are intended to be severable, and if any provision is deemed invalid, this shall not be deemed to affect the validity of other provisions.

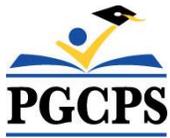


3. A determination that a contractor is prequalified does not necessarily preclude PGCPS from determining that such contractor is not responsible following bid opening. Among other things, a change in circumstances or change in information, as well as different criteria allowed to be considered for prequalification versus responsibility, may lead to a different result. For example, a prequalified contractor that becomes debarred between prequalification and bid opening, or a contractor who is subsequently discovered not to have been totally candid in answering its prequalification Application, might be deemed non-responsible.
4. Neither this Prequalification Process nor its implementation by PGCPS shall be deemed to create any contractual relationship with the prospective prequalification applicant and PGCPS.
5. All prospective contractors shall be responsible for their own expenses in applying for prequalification, and PGCPS shall have no liability for any such expense.

SECTION 2- PRIME CONTRACTOR PREQUALIFICATION APPLICATION

PART 1: OVERVIEW

1. By submitting this Prime Contractor Prequalification Application to Prince George's County Public Schools ("PGCPS"), a prime contractor ("Applicant") is requesting to be prequalified to submit a bid on the referenced project.
2. Applicant must answer **ALL** questions, fill in **ALL** blanks and provide **ALL** required references. If a particular question does not apply, then the response must indicate that it is not applicable ("N/A"). Applicant must provide current, accurate, and complete information. Incomplete or inaccurate documentation may result in the rejection or the denial of the Prime Contractor Prequalification Application.
3. The Prime Contractor Prequalification Application, along with any supporting documentation and the Performance and Safety evaluation forms, are **not** public records and are **not** open to public inspection.
4. Applicant's submission of the Prime Contractor Prequalification Application specifically authorizes PGCPS to investigate any and all statements made by Applicant, and PGCPS is entitled to request and obtain from Applicant and/or any third parties additional documentation or information which PGCPS believes may be relevant, and to use and rely on such documentation and information in its prequalification determination.

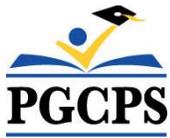


5. If any false information or data is submitted in the Contractor Prequalification Application, PGCPS may deny Applicant's prime contractor prequalification or revoke previously granted approval and/or, if an award has previously been made, terminate any construction contract. Any material or intentional omission or false statement may result in Applicant's disqualification.
6. If any information provided by Applicant becomes inaccurate, Applicant must immediately notify PGCPS and provide updated accurate information in writing, under penalty of perjury. Failure to do so may result in the disqualification or revocation of Applicant's prequalification.
7. PGCPS may suspend or rescind Applicant's Prime Contractor Prequalification based on subsequently learned information.
8. Applicant's Prime Contractor Prequalification will not preclude PGCPS from post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.
9. PGCPS reserves the right to impose additional requirements and contractor qualifications for specific construction contracts that exceed the prequalification requirements.
10. Applicant must verify accuracy of all answers under oath, by notarizing the signature of the applicant or the authorized person's signature behalf of applicant.

PART 2: PRIME CONTRACTORS PREQUALIFICATION REQUIREMENTS:

To prequalify, Applicant must satisfy **ALL** of the following requirements:

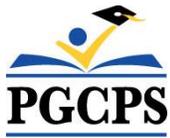
1. Possess an appropriate current and active Maryland State Contractor's license.
2. Fully complete and submit the most current version of the PGCPS's Prime Contractor Prequalification Application, and submit all of the following required documents:
 - a. **Authorized Signers:** Attach a notarized list of signatures for those authorized to sign on behalf of the company.
 - b. **Notarized letter of bondability:** Attach a notarized statement from an admitted surety insurer (approved by the Maryland Department of Insurance) with at least an A Rating



- according to the current report published by A.M. Best Company which states Applicant's current available bonding capacity. The letter must be written by the surety company, accompanied by a Power of Attorney from the surety company, and addressed to PGCPS.
- d. **General liability insurance coverage:** Attach a copy of a current certificate of General Liability Insurance coverage of at least \$1,000,000 per occurrence / \$2,000,000 aggregate with a Maryland-admitted insurance company and Workers Compensation Coverage to cover all activities of Applicant. The certificate of General Liability Insurance must name "Prince George's County Public Schools" as Additional Insured.
 - e. **Partnership Agreement (only if Applicant is a partnership):** Attach a copy of the agreement creating Applicant's partnership and specifying that all partners agree to be fully liable for the performance under a construction contract.
 - f. **Bonding Information & Capacity Verification:** Attach a completed copy of the Bonding Information & Capacity Verification form (attachment A).
 - g. **Project References:** Attach copies of 5 project references (pages 8-17) and project reference verification & rating forms (attachment B). Project References and Project Verification forms must be completed in their entirety and executed where required. Failure to provide fully executed Project References and Project Reference Verifications with required signatures will result in the submission being "Unresponsive", disqualifying the firm from the prequalification evaluation process. If firm is currently contracted on an ongoing PGCPS construction project with a value exceeding \$15,000,000.00, contractor must use these projects as references.
3. Meet all of the requirements in the PGCPS's Prime Contractor Prequalification Application.
4. **Contractor Performance Requirements:** Applicant's performance history will be measured according to the below component:
- a. **Contractor Performance Evaluation:** Attachment B, Contractor Project Reference Verification and Performance Evaluation are used to report the performance of Applicant on completed PGCPS and other construction contracts. PGCPS will coordinate with the Architect/Engineer of Record and End User to confirm Contractor Performance Evaluations. To satisfy this requirement, Applicant must receive an average score of at least 35 out of 50 points on the Contractor Performance Evaluations based on the last five (5) PGCPS construction contracts ongoing and/or completed within the last five (5) years. If firm has not performed any projects with PGCPS's, submit 5 construction contracts ongoing and/or completed within the last five (5) years similar in scope with other Government Agencies and/or Educational Systems. If firm is currently contracted on an ongoing PGCPS construction project with a value exceeding \$15,000,000.00, contractor must use these projects as references.

Compliance Component: The applicable compliance criteria are as follows:

- a. Labor Compliance

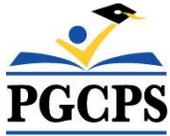


- b. Bid Issues/Protests
 - i. Requests to be Released from Bid
 - ii. Bid Protests on PGCPs bids that were without merit
 - iii. Number of MBE subcontractor substitution requests that were denied or for which a penalty was assessed
- c. Assessments
 - i. Liquidated Damages assessed
 - ii. Stop notices
 - iii. Permanent Withholds due to failure to complete punch list items or for stop notices that were not released
 - iv. Deductive change orders due to the Applicant's failure to perform
- d. Failure to comply with PGCPs contract Warranty requirements

PART 3: PROCEDURES FOR ADMINISTRATIVE APPEAL OF PREQUALIFICATION RESULTS

1. There is no administrative appeal permitted from PGCPs's rejection or denial of a Prime Contractor Prequalification Application due to its incomplete or untimely submission.
2. The closing time for bids will not be changed in order to accommodate supplementation of incomplete or untimely submissions.
3. Request for a Prequalification Administrative Review ("PAR") shall be submitted in writing by Applicant within **seven (7) calendar days** from date of issuance of PGCPs's written notification.
4. A PAR notice will thereafter be sent to Applicant by PGCPs, providing Applicant with the deadline for submittal of all evidence to be considered at the PAR, as well as the date, time and location of the PAR.
5. Applicant's failure to respond to any PAR notices, or attend the PAR, will result in disqualification.
6. PGCPs's written determination following the PAR shall be considered final.

Applicant's Prime Contractor Prequalification Application, and any questions regarding PGCPs's Prime Contractor prequalification process, must be directed in writing via email, mail, or personal delivery to:



Prince Georges County Public Schools
Department of Capital Programs
Louis Wilson Sr. Facilities Administration Building
13300 Old Marlboro Pike, Trailer 6
Upper Marlboro, MD 20772
Attn: Procurement Office
Email: dcp.prequalification@pgcps.org
Between the hours of 12 noon until 2:00 pm

During the COVID 19 Shutdown, the following rules apply and are subject to change per the State of Maryland.

- a) Please be sure to bring your own PPE, masks or gloves will not be provided by PGCPS for the proposal submission. Per Governor Hogan's executive order on Masks and Physical Distancing, masks must be worn in public places in the State of Maryland. If you do not have a mask upon arrival, you will be asked to leave.
- b) Social distancing rules per Governor Hogan apply. Please maintain six (6) feet in distance from your counterparts during your prequalification submission. The PGCPS Staff will be in **trailer 6** from **12 noon until 2:00 pm** to receive your proposals. Please include extra time for proposal submission to account for the distancing rules.
- c) If you are feeling sick, please stay home and notify the Construction Procurement point of contact if you are unable to submit proposals. If you arrive and are displaying any COVID-19 symptoms, you will be asked to leave prior to submitting your proposal to protect yourself and others.
- d) Please see link for State of Maryland Remote Notarization rules
<https://governor.maryland.gov/2020/03/30/governor-hogan-authorizes-remote-notarizations/>

NOTE: Please mark envelope CONFIDENTIAL if sending via mail or personal delivery.