

CITY OF CHESAPEAKE, VIRGINIA

GUIDELINES FOR THE SELECTION,
EVALUATION, AND AWARD OF DESIGN-
BUILD AND CONSTRUCTION MANAGEMENT
CONTRACTS

September 10, 2013

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I. Introduction

The competitive sealed bid process remains the preferred method of construction procurement, but a design-build or construction management contract may serve the public interest given its particular facts and circumstances. Virginia Code Section 2.2-4308 grants the City of Chesapeake, VA (the City), the authority to enter into a design-build or construction management contract on a fixed price or not-to-exceed price basis (for projects other than those funded in whole or part by state or federal transportation funds), provided that the City complies with certain requirements including adoption of procedures governing the selection, evaluation, and award of design-build and construction management contracts consistent with procedures adopted by the Secretary of Administration for utilizing design-build or construction management contracts. Such procedures shall also be consistent with those for the procurement by competitive negotiation in the Virginia Public Procurement Act, Virginia Code Section 2.2-4300 *et seq.* If state or federal transportation funds are used for the contract, the City shall comply with Virginia Code Section 33.1-12, and shall request from the Virginia Department of Transportation the authority to administer the project in accordance with pertinent state and federal guidelines (which are discussed in Section VIII below).

The procedures provided in these Guidelines for the Selection, Evaluation, and Award of Design-Build and Construction Management Contracts (Guidelines) may be only amended by act of City Council or by contrary, mandatory provisions of state or federal law; however, the City Manager (or designee) is authorized to the fullest extent permitted by law to implement these Guidelines and take action on behalf of the City with respect to any matter or instance in which the Guidelines reference “City.” Nothing in these Guidelines shall affect the duty of the City to comply with all applicable local, state, and federal laws and regulations.

II. Key Terms

Terms used herein shall have the meanings defined by City Code Section 54-3. Additional terms are defined below for purposes of these Guidelines.

Construction management contract means a contract in which a party is retained by the City to coordinate and administer a contract for construction services for the benefit of the City, and may also include, if provided in the contract, the furnishing of construction services to the City. A construction management “at risk” contract is a type of construction management contract that requires the contractor to construct and administer the entire project at a guaranteed maximum price.

Design-build contract means a contract between the City and another party in which the party contracting with the City agrees to both design and build the structure, roadway or other item specified in the contract.

III. Supervision of Licensed Architect or Engineer

Prior to making a determination as to the use of design-build or construction management for a specific construction project, the City shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall advise the City as to the preparation of the Request for Proposal (RFP) and the evaluation of such proposals.

IV. Finding of Public Interest

Prior to issuing an RFP for a design-build or construction management contract, the Procurement Administrator or designee must document the following determinations in writing for a specific construction project:

1. A design-build or construction management contract is more advantageous than a competitive sealed bid construction contract;
2. There is a benefit to the City by using a design-build or construction management contract; and
3. Competitive sealed bidding is not practical or fiscally advantageous.

V. Terms and Conditions Applicable to Both Design-Build and Construction Management Contract Selection Processes

The following additional terms and conditions apply to the submission of any proposals to the City pursuant to these Guidelines, and by submitting any proposal to the City, the private entity submitting the proposal agrees also to them.

1. Neither these Guidelines, nor any request or solicitation, nor the City's receipt or consideration of any proposal shall create any contract, express or implied, any contractual obligation by the City to any offeror, or any other obligation by the City to any offeror. The City makes no promise, express or implied, regarding whether it will enter into a contract with any offeror or regarding the manner in which it will consider proposals. The City will only be bound by the terms of any contract into which it enters should it choose to enter into any such contract.
2. The City will not be responsible for any expenses incurred by an offeror in preparing and submitting a proposal or in engaging in oral presentations, discussions, or negotiations.
3. Offerors may be required to make an oral presentation or oral presentations of their proposal in the City of Chesapeake, Virginia, at their own expense. The City Manager (or designee) may request the presence of offerors' representatives from their development, financial, architectural

engineering and construction teams at these presentations. The City Manager (or designee) will schedule the time and location for these presentations. By submitting its proposal, the offeror agrees to make these representatives reasonably available in the City of Chesapeake, Virginia.

4. The City reserves the right of the City Manager (or designee) to waive any informality with respect to any proposal submitted.
5. The City reserves the right to accept or reject any and all proposals received, in whole or in part, and to negotiate separately in any manner necessary to serve the best interests of the City. Any procurement under these Guidelines may result in multiple awards to multiple offerors.
6. The City reserves the right to reject any and all proposals without explanation.
7. These provisions of these Guidelines shall apply automatically to all applicable design-build and construction management procurements by the City.
8. The City will not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

VI. Design-Build Selection Procedures

Design-build construction contracts shall be procured by a two-step competitive negotiation process and in accordance with City Code Section 54-67. The following procedures shall be used in selecting a Design-Builder and awarding a contract:

1. The City Manager or designee shall appoint an Evaluation Committee of at least three people, and at least one committee member shall be a licensed professional engineer or architect.
2. Selection of Qualified Offerors (Step I)
 - a. Qualification criteria shall be developed that is consistent with but not necessarily identical to that stated in the Construction and Professional Services Manual, as amended, published by the Virginia Department of General Services (In the 2012 edition, such criteria is specified in Section 7.34.6 which is available at <http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=i12kXM%2bcJ%2bE%3d&tabid=1252&mid=2361>). The City shall publish notice of its invitation for Design-Builders to submit qualifications (Request for Qualifications (RFQ)). The notice

shall be published in a newspaper of general circulation and on the City's electronic procurement website.

- b. The Evaluation Committee shall evaluate each responding firm's submittals and any other relevant information and shall select no more than five offerors deemed fully qualified and most suitable for the project. An offeror may be denied prequalification only as specified by Virginia Code Section 2.2-4317, but the short list shall be based on the RFQ criteria.
- c. At least 30 days prior to the date established for the submission of proposals, offerors shall be advised in writing whether or not they have been prequalified and whether or not they have made the shortlist. In the event that an offeror is denied prequalification, the written notification shall state the reasons for the denial of prequalification and the factual basis of such reasons.

3. Selection of Design-Build Contractor (Step II)

- a. The City and/or its architectural or engineering consultant shall prepare an RFP containing the City's construction requirements, building and site criteria, site and survey data, the criteria to be used to evaluate submittals, and other relevant information. The RFP shall specify the method of award pursuant to the cost basis or cost + technical basis described further below.
- b. The City will invite the offerors selected by the Evaluation Committee to submit technical and separately-sealed cost Proposals. Technical proposals will be submitted to the Evaluation Committee. Sealed cost proposals will be submitted to the Procurement Office, secured by and kept sealed until evaluation of the technical proposals and the design development negotiations are completed.
- c. The Evaluation Committee will evaluate the technical proposals based on the criteria contained in the RFP. It may require that the offerors make design adjustments necessary to incorporate project improvements, changes in scope, and/or additional detail identified by the Evaluation Committee during design development.
- d. Based on the requested revisions made to the technical proposals during negotiations or other considerations, an offeror may submit sealed additive and deductive amendments to its Cost Proposal.

- e. The Evaluation Committee will evaluate the final technical proposals (and rank them if technical rankings are to be considered as criteria for award). If the Evaluation Committee determines in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror after approval of the Procurement Administrator. Otherwise, the Evaluation Committee shall publicly open, read aloud, and tabulate the Cost Proposals. It shall add to or subtract from the Cost Proposals any cost adjustments contained in amendments submitted by an offeror. It shall apply the criteria for award as specified in the RFP according to one of the following methods:
 - i. Method #1 (Cost Basis): The Evaluation Committee reviews the final technical proposals for compliance with the requirements of the RFP. Assuming that all required changes were made, a proposal, although it may have different features from other proposals, may be equally acceptable with regard to the RFP criteria. The Evaluation Committee shall publicly open the cost proposal from each offeror, along with any cost modifications. The contract shall be awarded based on the lowest price proposal that meets the RFP requirements.
 - ii. Method #2 (Cost + Technical Basis): The RFP includes a technical scoring component in addition to a low cost scoring component consistent with the award criteria described in the Construction and Professional Services Manual, as amended, published by the Virginia Department of General Services (In the 2012 edition, such criteria is specified in Section 7.30.1 which is available at <http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=i12kXM%2bcJ%2bE%3d&tabid=1252&mid=2361>.). The scores from each of the committee members shall be added together, and the contract shall be awarded based on the total highest score. In the event the total scores awarded by the Committee for more than one proposal are tied, the project shall be awarded to the lowest price of the proposals included in the tie. If the scores are still tied, the contract shall be awarded pursuant to the Virginia Public Procurement Act.
- f. The Evaluation Committee shall make its recommendation on the selection of a Design-Builder to the City Manager based on

its evaluation of the technical and cost proposals and amendments thereto. When the terms and conditions of multiple awards are provided in the RFP, awards may be made to more than one offeror.

- g. Upon selection of the Design-Builder, the City shall notify all offerors who submitted proposals of the City's intent to award the contract to a particular offeror.
4. Required Contract Term -- Any resultant contract must include that independent structural inspections, special inspections, and final inspection be performed by the City or a third party other than the Design-Builder to assure conformance with the plans and specifications.

VII. Construction Management Selection Procedures

Subject to approval of the City Manager or designee, construction management contracts with an estimated construction cost in excess of \$10,000,000 (or of lesser cost if the City Manager determines that use of construction management is justified based on application of the criteria in Section IV above and because these construction management guidelines are considered more advantageous than general procurement of professional services by competitive negotiation for a particular project) may be awarded upon a written request from a department head or designee concluding that (1) fast tracking of construction is needed to meet City program requirements, and/or (2) where value engineering and/or constructability analyses concurrent with design are required. The request must also stipulate that the construction management contract will be initiated before the project has progressed beyond the schematic phase of design. Procedures other these construction management selection procedures may be used for procurement of construction services where authorized by applicable law.

Construction management contracts shall be procured by a two-step competitive negotiation process, unless the City Manager approves of a one-step process based on a written justification prepared by a department head or designee, and in accordance with City Code Section 54-67, in which case Step I below is omitted. Such contracts shall be procured according to the following procedures:

1. The City Manager or designee shall appoint an Evaluation Committee of at least three people, and at least one committee member shall be a licensed professional engineer or architect.
2. Selection of Qualified Offerors (Step I):
 - a. Qualification criteria shall be developed that includes the following at minimum:

- i. Contractor is appropriately licensed and in good standing as a Class A General Contractor in the Commonwealth of Virginia;
 - ii. Contractor demonstrates the ability to obtain appropriate insurance coverage for the project;
 - iii. Contractor has appropriate bonding capacity;
 - iv. Contractor has experience with at least three projects of similar scope, complexity, and delivery method including construction cost, schedule, and supplies references and contact information for the Owner or Architect associated with those projects.
 - v. Contractor supplies at least three other professional references and contact information.
- b. The RFQ shall contain the project requirements, building and site criteria, site and survey data (if available), the criteria used to evaluate RFQ responses and other relevant information, including any unique capabilities or qualification that will be required of the contractor.
- c. The City shall publish notice of the RFQ. The notice shall be published in a newspaper of general circulation and on the City's electronic procurement website.
- d. The Evaluation Committee shall evaluate each responding firm's submittals and any other relevant information and shall select no more than five offerors deemed fully qualified and most suitable for the project. An offeror may be denied prequalification only as specified by Virginia Code Section 2.2-4317, but the short list shall be based on the RFQ criteria.
- e. At least 30 days prior to the date established for the submission of proposals, offerors shall be advised in writing whether or not they have been prequalified and whether or not they have made the shortlist. In the event that an offeror is denied prequalification, the written notification shall state the reasons for the denial of prequalification and the factual basis of such reasons.

3. Selection of a Construction Manager (Step II):

- a. The City and/or an architectural or engineering consultant shall prepare an RFP containing the City's requirements, consistent with but not necessarily identical to that stated in the Construction and Professional Services Manual, as amended, published by the Virginia Department of General Services (In the

2012 edition, such criteria is specified in Sections 7.31.2 & 7.31.3 which is available at <http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=i12kXM%2bcJ%2bE%3d&tabid=1252&mid=2361>.) and request formal proposals inclusive of the following nonbinding estimates:

- i. A lump sum fee for pre-construction services in accordance with the scope of services included in the RFP;
 - ii. A total general conditions fee representing the guaranteed maximum price for construction phase administration and related services based upon an anticipated duration set by the RFP with an itemized listing of general conditions items and their associated cost;
 - iii. Insurance and taxes expressed as a rate (percentage) to include all insurance costs such as general liability insurance, builder's risk insurance, payment and performance bonds, and any other insurance costs required by the contract and any taxes such as local business taxes that are required for the completion of the work expressed as a percentage. The insurance and taxes figure shall be inclusive of all items other than design or construction management contingencies, construction management fee, and general conditions fee, that will be included in addition to the cost of work in establishing the guaranteed maximum price and final contract value;
 - iv. A lump sum fee for performance of construction work, if RFP specifies that contractor is to both administer and construct the project for a total guaranteed maximum price;
 - v. The fees proposed shall include all office expenses, overhead and profit during the construction phase of the contract.
- b. The City will send an RFP to the pre-qualified and short-listed firms and request submission of formal proposals from them; or, if a one-step process is used, the RFP will be publicly advertised.
 - c. The Evaluation Committee will evaluate and rank the proposals and conduct negotiations with two or more offerors submitting the best proposals. If only one offeror is determined to be qualified, a contract may be negotiated with and awarded to that offeror.

- d. The contract shall be awarded to the offeror who is fully qualified and has been determined to have the best value for its total guaranteed maximum price in response to the RFP. The Evaluation Committee shall make its recommendation of a Construction Manager to the City Manager based on its evaluations and negotiations.
 - e. Upon selection of the Construction Manager, the City shall notify all offerors who submitted proposals of the City's intent to award the contract to a particular offeror.
4. Required Construction Management Contract Terms -- Unless the City Manager issues a written waiver in whole or part based on extraordinary circumstances to omit the requirements of subpart b or c below, any fixed priced or not-to-exceed priced construction management contract entered into by the City shall contain the following provisions:
- a. Any resultant contract must include that independent structural, special inspections, and final inspection be performed by the City or a third party other than the Construction Manager to assure conformance with the plans and specifications.
 - b. Not more than 10% of the construction work (measured by cost of the work) will be performed by the Construction Manager with its own forces, and
 - c. The remaining 90% of the construction work will be performed by subcontractors of the Construction Manager, which the Construction Manager must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable.

VIII. Prequalification Procedures

1. The City may prequalify contractors for a particular design-build or construction management project and limit consideration of bids or proposals to prequalified contractors. The procedures contained in this Section shall be used for prequalification of contractors for a particular construction project. The City may prequalify general contractors or selected subcontractors or both. Any prequalification of contractors and/or subcontractors shall be conducted in accordance with Virginia Code Section 2.2-4317 and City Code Section 54-117 and sufficiently in advance of the bid receipt date to allow potential contractors a fair opportunity to complete the process.
2. The objective of prequalification shall be to qualify as many contractors as possible to bid on the proposed work. Prequalification is most frequently

used for projects with sophisticated building systems, a unique site or constructability issue, or where project scheduling or sequencing is critical.

3. The attached bar chart from Figure 7.34.1 of the 2012 edition of the Construction & Professional Services Manual published by the Virginia Department of General Services (Attachment A) depicts a suggested timeline for elements of the prequalification process. Shorter times may be used, provided they are consistent with the intent of the minimum time specified in Virginia Code Section 2.2-4217.
4. The attached Standard Form based on the Virginia Department of General Services' Contractor's Statement of Qualifications (Attachment B), or a substantially similar form approved by the Procurement Administrator, shall be the application form submitted by contractors when applying to be prequalified for a particular construction project. Attachment B, when provided to interested contractors, shall be accompanied by the minimum qualification criteria for the proposed construction contract.
5. The Procurement Administrator shall establish a Building Committee of at least five (5) City employees to review the Attachment B forms submitted by interested contractors and determine which, if any, of the contractors shall be prequalified or assign this task to the Evaluation Committee. If a Building Committee is formed, of the five (5) persons, one shall be a representative from the Purchasing Division, one shall be a licensed architect or engineer, and one shall be the project manager for the proposed project. The architect or engineer for the project may, at the discretion of the Building Committee, serve as an advisor to the Building Committee.
6. Virginia Code Section 2.2-4317 permits the City to deny prequalification to any contractor only if the City finds at least one of the following:
 - a. The contractor does not have sufficient financial ability to perform the contract. 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 City shall be sufficient to establish the financial ability of the contractor;
 - b. The contractor does not have appropriate experience to perform the construction project in question;
 - c. The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the

breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management;

d. The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the City or another public body without good cause. The City 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;

e. 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, a violation of (i) Article 6 (§ 2.2-4367 et seq.) of this chapter, (ii) the Virginia Governmental Frauds Act (§ 18.2-498.1 et seq.), (iii) Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1, or (iv) any substantially similar law of the United States or another state;

f. 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 in Virginia, agency of another state or agency of the federal government;

g. The contractor failed to provide to the City in a timely manner any information requested by the City relevant to subparts a through f above.

7. The City shall notify, in writing, each contractor that submitted Attachment B whether that contractor has been prequalified. If a contractor is denied prequalification, the written notice to that contractor shall state the reason(s) for denial of prequalification and the factual basis of such reason(s). The written notice to each contractor shall be delivered by U.S. mail. A contractor denied prequalification shall have ten (10) business days from receipt of the written notice from the City in which to appeal the denial of prequalification. The contractor shall submit the written appeal with any additional information which may support the appeal to the City's Procurement Administrator or other Appeal Officer designated by the City Manager. The Procurement Administrator or other Appeal Officer shall notify the contractor, in writing of his decision within five(5) business days of receipt of the appeal. The decision of the Procurement Administrator or other Appeal

Officer shall be the final administrative action. There is no further administrative appeal procedure pursuant to Virginia Code Sections 2.2-4357 and 2.2-4365; however, the contractor may initiate legal action pursuant to Virginia Code Sections 2.2-4357 and 2.2-4364.

8. Verification of references supplied by the contractor in Section VI of the Attachment B may be accomplished using the form letter attached as Attachment C.
9. Contractor experience qualification criteria shall be sufficiently general so that contractors with the qualification and experience to satisfactorily complete the proposed project will not be arbitrarily excluded. For example, requiring a contractor to have constructed a nearly identical structure may be too restrictive. Therefore, the experience criteria shall be expressed in terms such as the past construction project's:
 - a. functional type (classroom, dining facility, maximum security prison, etc.);
 - b. job site access (dense urban location surrounded by multiple story buildings, open rural area, etc.);
 - c. height and physical size (14 stories with 4 below grade floors, 250,000 gross square feet);
 - d. foundation system (piles, spread footings, mat foundation, etc.);
 - e. structural system (reinforced cast in place concrete; structural steel; precast concrete members, etc.);
 - f. exterior wall system (granite panels; glass store front; brick with concrete masonry unit back-up, etc.);
 - g. electrical service and distribution;
 - h. mechanical system (gas-fired package boilers, four pipe hot water/chilled water, centrifugal chiller, variable air volume box, etc.);
 - i. number of subcontractors used on a typical job;
 - j. roofing system (four-ply built up, single ply ethylene propylene diene monomer rubber, etc.); or
 - k. other criteria.

10. Sections I, III, V, and VI of Attachment B-1 shall not be changed without the prior written approval of the City Manager. Section II and any additional qualification criteria shall be customized to fit the particular project for which the prequalification is intended.
11. The RFP for the project shall be posted no fewer than thirty (30) days prior to the day of bid receipt, unless otherwise approved by the Procurement Administrator. The advertisement shall state that bids will be accepted only from those contractors prequalified to bid on the project.

IX. Design-Build Contracts Funded by State or Federal Transportation Funds

1. If federal or state transportation funds are used, the City Manager must make the following findings in writing in order to proceed with a design-build contract, which shall be retained for public inspection:

- a. Delivery of the project must be expedited;
- b. It is not in the public interest to comply with the design and construction contracting procedures normally followed;
- c. The contract is of such size and scope to encourage maximum competition and participation by qualified contractors;
- d. A description of the nature and scope of the project, and the reasons for the determination that awarding a design-build contract will best serve the public interest based on one or more of the following objective criteria adopted by the Commonwealth Transportation Board; and
 - i. Expedited schedule – The project has an expedited schedule or fixed completion date. Using the design-build method will reduce the overall project completion time compared to the design-bid-build method.
 - ii. Established budget – The project has an established budget. The City requires that the project be completed at or near the established cost without significant overruns. The design-build procurement method will reduce the overall project cost compared to the design-bid-build method.
 - iii. Well-defined scope – The project has a well-defined scope and performance requirements. The City has a clear

understanding of the project scope and the final project. The scope is defined to achieve desired results with room for innovation in the design and construction efforts.

iv. Risk analysis – The project imposes limited risk to the City with the exception of directed changes. The project has a limited number of issues that must be resolved such as utility conflicts, right-of-way acquisitions, geotechnical conditions, hazardous materials, wetlands and environmental concerns or other such issues. Risk management plans have been fully developed.

v. Prequalification of design-build firms – The project requirements clearly define the necessary qualifications that a design-build firm must have. The prequalification requirements and process shall be established in writing and sufficiently in advance of the filing date to allow potential design-build firms a fair opportunity to complete the process. The design-build firm wishing to submit a proposal on a design-build project shall be pre-qualified under existing process if there is no project RFQ, or must be qualified based on evaluation criteria set forth in the RFQ.

vi. Competitive bidding processes – The project affords an opportunity for competition in its procurement. The City will review the overall design-build program and select projects of various size and scope to ensure maximum participation and competition among qualified design-build firms. The City will facilitate fairness by incorporating appropriate measures for the competitive design-build proposals. The RFPs for the projects selected for the design-build program will clearly state the selection criteria and evaluation method in determining the successful design-build firm. The City may include, but is not limited to, the following types of projects for design-build contracts: (1) emergency and repair projects, (2) projects directly impacting public safety, (3) projects directly supporting economic development/enhancement, (4) projects using specialty or innovative designs and construction methods or techniques, (5) projects to maximize the use of available funding (i.e. federal, bonds, etc.), and (6) projects deemed by the City to have expedited scheduling requirements.

e. A statement of the nature and scope of the project, and a determination that the project is of such size and scope as to encourage maximum competition and participation by qualified contractors.

2. If state or federal transportation funds will be used for the contract, then the City shall comply with the provisions of Virginia Code § 33.1-12 and shall request from the Virginia Department of Transportation the authority to administer the project in accordance with pertinent state or federal requirements. Some of these requirements are discussed in the following non-exhaustive list of resources:

a. Design-Build Procurement Manual published by the Virginia Department of Transportation (October 2011) (available at http://www.virginiadot.org/business/resources/ipd/DB_Manual_FinalCopy20111011.pdf).

b. Interim Guidance for Locally-Administered Design-Build Projects published by the Virginia Department of Transportation (last updated January 2011) (available at http://www.virginiadot.org/business/resources/ipd/CO_IPD_DB_Chapter-Locally-Administered-DB-Projects_Final_20110207.pdf).

3. Depending on project complexity, a single-phase or two-phase procurement process may be employed. Use of a single-phase procurement process requires the concurrence of the Virginia Department of Transportation Project Coordinator (and FHWA Area Engineer, if federal funds are used) and due consideration should be given to ensuring that potential contractors are qualified (including but not limited to possibly requiring in the selection criteria that the successful contractor be prequalified by the Virginia Department of Transportation).

4. The basis for award may include, but is not limited to, one of the following (or a combination thereof):

- a. best value;
- b. low bid; or
- c. fixed price

ATTACHMENT A

CITY OF CHESAPEAKE'S

SUGGESTED TIMELINE

FOR ELEMENTS OF THE

PREQUALIFICATION PROCESS

TO BE USED FOR DESIGN-BUILD OR

CONSTRUCTION MANAGEMENT

CONTRACTS

(Based on Figure 7.34.1 of the 2012 edition of the Construction & Professional Services Manual published by the Virginia Department of General Services)

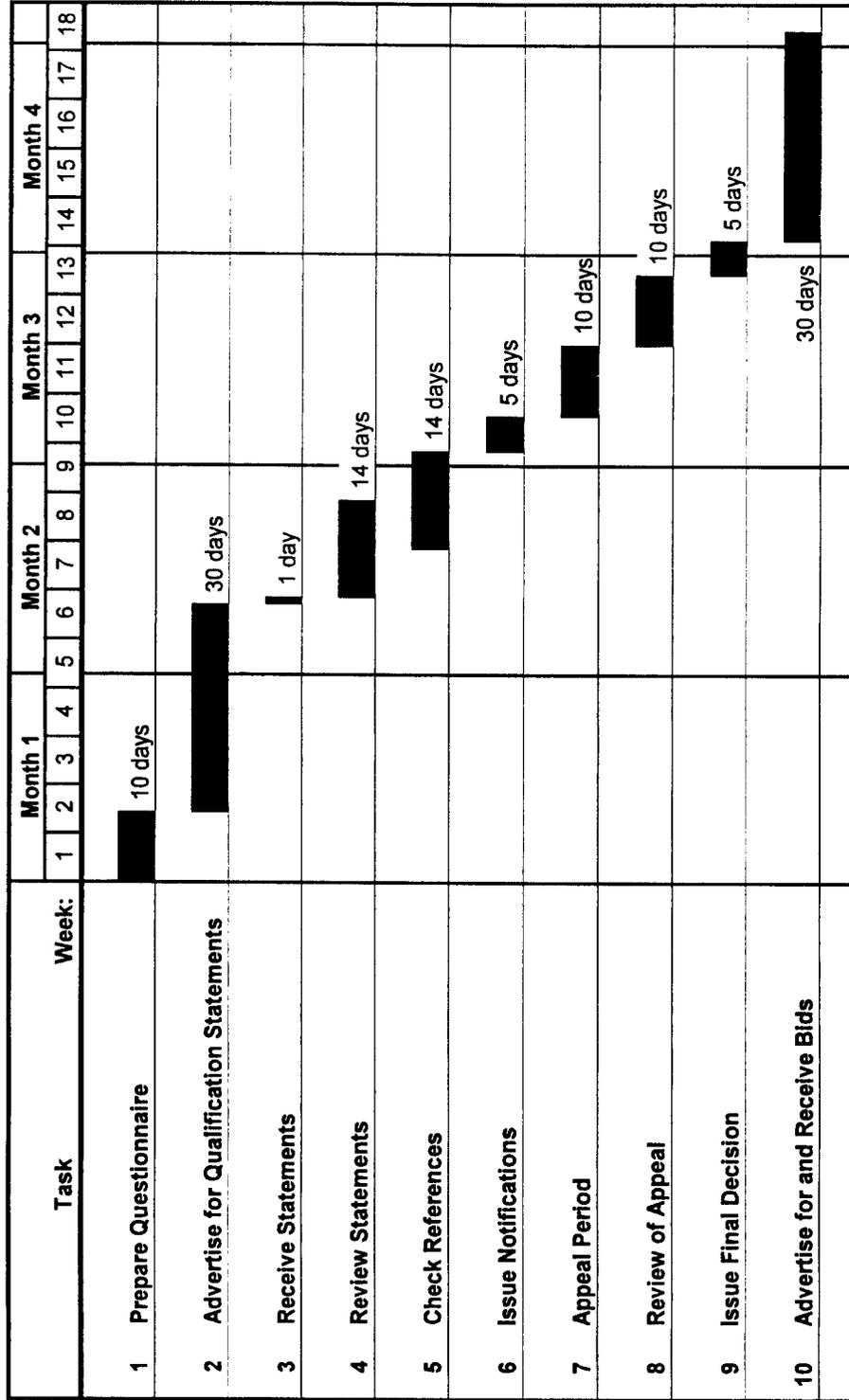


Figure 7.34.1 PREQUALIFICATION PROCESS TIMELINE CHART

ATTACHMENT B
CITY OF CHESAPEAKE'S
STANDARD FORM
FOR
CONTRACTOR'S STATEMENT
OF QUALIFICATIONS

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CONTRACTOR'S STATEMENT OF QUALIFICATIONS

I. General Information

1. By checking here (), the Contractor elects pursuant to Virginia Code Sections 2.2-4317 and 2.2-4342(F) that all information voluntarily submitted herein shall be considered a trade secret or proprietary information exempt from the inspection of any citizen, or any interested person, firm or corporation, to the extent allowed by applicable law.

2. Name of Project (if applicable):
and Project Code Number AC/PC#

3. Type of work you wish to qualify for:

General Construction

Mechanical

Electrical

Other

Specify:

4. Contractor's Name:

Mailing Address:

Street Address: (If not the same as mailing address)

Telephone Number: ()

Facsimile Number: ()

Contact Person:

Contact Person Phone Number: ()

State Contractor's License Number:

Designated Employee Registered with the Virginia Board for Contractors:

General Information (continued)

5. Check type of organization:

Corporation ____

Partnership ____

Individual ____

Joint Venture ____

Other (describe) _____

6. If a corporation -

State of Incorporation:

Date of Incorporation:

Federal I.D. #:

<u>Officers</u>	<u>Name</u>	<u>Years in Position</u>
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President:

Vice President

Secretary

Treasurer

Are you a Subchapter S Corporation? Yes ____ No ____

7. If a partnership -

Date organized:

Type of partnership:

List of General Partners:

<u>Name</u>	<u>Phone #</u>	<u>Years as G.P.</u>
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8. If individually owned -

Years in Business:

General Information (continued)

9. Have you ever operated under another name? Yes ___ No ___

If yes -

Other name:

Number of years in business under this name:

State license number under this name:

II. Bonding

Please have your Bonding Company execute a statement similar to the one at Attachment B-1 and attach the completed and signed statement as Attachment B-2 to this completed form.

1. Bonding Company's name:
Address:

Representative (Attorney-in-fact):

2. Is the Bonding Company listed on the United States Department of the Treasury list of acceptable surety corporations?

Yes ___ No ___

3. Is the Bonding Company licensed to transact surety business in the Commonwealth of Virginia?

Yes ___ No ___

III. Judgments

In the last ten years, has your organization, or any officer, director, partner or owner, had judgments entered against it or them for the breach of contracts for construction?

Yes ___ No ___

If yes, please on a separate attachment, state the person or entity against whom the judgment was entered, give the location and date of the judgment, describe the project involved, and explain the circumstances relating to the judgment, including the names, addresses and phone numbers of persons who might be contacted for additional information.

IV. Convictions and Debarment

If you answer yes to any of the following, please on a separate attachment, state the person or entity against whom the conviction or debarment was entered, give the location and date of the conviction or debarment, describe the project involved, and explain the circumstances relating to the conviction or debarment, including the names, addresses and phone numbers of persons who might be contacted for additional information.

1. In the last ten years, has your organization or any officer, director, partner, owner, project manager, procurement manager or chief financial officer of your organization:
 - a. ever been fined or adjudicated of having failed to abate a citation for building code violations by a court or local building code appeals board?
Yes ___ No ___
 - b. ever been found guilty on charges relating to conflicts of interest?
Yes ___ No ___
 - c. ever been convicted on criminal charges relating to contracting, construction, bidding, bid rigging or bribery?
Yes ___ No ___
 - d. ever been convicted: (i) under Va. Code Section 2.2-4367 et seq. (Ethics in Public Contracting); (ii) under Va. Code Section 18.2-498.1 et seq. (Va. Governmental Frauds Act); (iii) under Va. Code Section 59.1-68.6 et seq. (Conspiracy to Rig Bids); (iv) of a criminal violation of Va. Code Section 40.1-49.4 (enforcement of occupational safety and health standards); or (v) of violating any substantially similar federal law or law of another state?
Yes ___ No ___

2. Is your organization or any officer, director, partner or owner currently debarred from doing federal, state or local government work for any reason?
Yes ___ No ___

V. Compliance-

If you answer yes to any of the following, please on a separate attachment give the date of the termination order, or payment, describe the project involved, and explain the circumstances relating to same, including the names, addresses and phone numbers of persons who might be contacted for additional information.

1. Has your organization:
 - a. ever been terminated on a contract for cause?
Yes ___ No ___
 - b. within the last five years, made payment of actual and/or liquidated damages for failure to complete a project by the contracted date?
Yes ___ No ___
2. Has your organization, in the last three years, received a final order for willful and/or repeated violation(s) for failure to abate issued by the United States Occupational Safety and Health Administration or by the Virginia Department of Labor and Industry or any other government agency?
Yes ___ No ___
3. Have any Performance or Payment Bond claims ever been paid by any surety on behalf of your organization?
Yes ___ No ___

VI. Experience-

If your organization has multiple offices, provide the following information for the office that would handle projects under this prequalification. If that office has limited history, list its experience first.

1. Attach a list of all projects, giving address, size, dollar value, and completion date for each that your organization has **completed** in the last ten years. Provide for each, the name, address, and phone number, for the Owner's and Architect's contact or representative.
2. Attach a list of your organization's projects in **progress**, if any, at the time of this statement. At a minimum, provide project names and addresses, contract amounts, percentages complete and contact names and numbers for the architects and owners.
3. If this statement is for a particular project, identify three projects from those identified in 1 and 2 above which are most relevant or similar to the project(s) for which you are seeking prequalification.

Experience (continued)

Job 1.

Project Name:

Project Address:

Size of Project such as: (gross square feet, height, or stories plus sub-surface levels, total cost)

Owner's Name:

Address:

Phone Number:

Contact:

Architect's Name:

Address:

Phone Number:

Contact:

Original Contract Value or Guaranteed Maximum Price:

Final Cost or Current Contract Amount:

If the difference between the original and final or current cost is greater than 10%, please explain:

Project Description, i.e., function of building, number of floors, building systems (structural, mechanical, electrical, etc.) and any specific project features or complexities:

Project Delivery Method:

Describe the role of your firm on the project:

Experience (continued)

Job 2.

Project Name:

Project Address:

Size of Project such as: (gross square feet, height, or stories plus sub-surface levels, total cost)

Owner's Name:

Address:

Phone Number:

Contact:

Architect's Name:

Address:

Phone Number:

Contact:

Original Contract Value or Guaranteed Maximum Price:

Final Cost or Current Contract Amount:

If the difference between the original and final or current cost is greater than 10%, please explain:

Project Description, i.e., function of building, number of floors, building systems (structural, mechanical, electrical, etc.) and any specific project features or complexities:

Project Delivery Method:

Describe the role of your firm on the project:

Experience (continued)

Job 3.

Project Name:

Project Address:

Size of Project such as: (gross square feet, height, or stories plus sub-surface levels, total cost)

Owner's Name:

Address:

Phone Number:

Contact:

Architect's Name:

Address:

Phone Number:

Contact:

Original Contract Value or Guaranteed Maximum Price:

Final Cost or Current Contract Amount:

If the difference between the original and final or current cost is greater than 10%, please explain:

Project Description, i.e., function of building, number of floors, building systems (structural, mechanical, electrical, etc.) and any specific project features or complexities:

Project Delivery Method:

Describe the role of your firm on the project:

4. Describe how your firm would staff this project:

5 . Provide, as an attachment, a brief resume for the project manager and the superintendent most likely to be assigned to this project. Describe, for each, the background and experience that would qualify him or her to be a project manager or superintendent. Include in the resumes at least three (3) similar or comparable projects on which the proposed project manager and superintendent have served in that capacity or positions of similar or comparable responsibility within the last five years and the names, addresses and phone numbers of the Owner's and Architect's contact person for each.

VII. Signatures

The undersigned certifies under oath that the information contained in this Statement of Qualifications and attachments hereto is complete, true and correct as of the date of this Statement.

(name of entity submitting this Statement of Qualifications)

By: Name of Signer (print) _____

Signature

Title: _____

Date: _____

Notary

State of _____

County/City of _____

Subscribed and sworn to before me this _____ day of _____,
20 __.

Notary Public Signature

My commission expires: _____

Notary Seal:

Attachments:

- 1. Attachments B-1 and B-2
- 2. Additional information, if any, provided under Sections III, IV, V
- 3. Additional information provided under Section VI

ATTACHMENT B-1

QUALIFICATION CRITERIA FOR (insert project title)

_____ (insert project code)

I. BONDING:

Contractor can secure bonding for this project in an amount equal to or greater than the amount established by the City from a surety company (1) listed in the United States Department of Treasury, Federal Register, **Circular 570: Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies**; and (2) licensed to transact surety business in the Commonwealth of Virginia .

II. EXPERIENCE:

Firm Experience:

The contractor or contractor's office that will handle this project has undertaken **at least three (3) construction projects of similar or comparable scope** (_____ gross square feet); stories (_____); function (_____) and dollar cost (\$_____) or similar building system components; foundation (______); structural (_____) exterior wall (______); roofing system: electrical service (______); electrical distribution; heating system (_____) air conditioning system (______); case work (_____) laboratory gases (______); kitchen equipment (_____) . etc. **within the last ten years.** The projects shall be sufficiently comparable so that the City may conclude that the contractor is familiar with and capable of handling the project(s) described in the prequalification.

Key Personnel Experience:

The Project Manager most likely to be assigned to this project has **served as project manager on at least three (3) projects in the last five years of similar or comparable scope , one of those within the past five years.** (_____ gross square feet); stories (_____) ; function (_____) and dollar cost (\$_____) or similar building system components; foundation (_____) ; structural (_____) ; exterior wall (_____) ; roofing system: electrical service (_____) ; electrical distribution; heating system (_____) air conditioning system (_____) ; case work (_____) laboratory gases (_____) ; kitchen equipment (_____) , etc. Equivalent or comparable experience may be considered, at the City's sole discretion; however, it shall be sufficiently similar so that the City may conclude that the proposed Project Manager is familiar with and capable of handling the project(s) described in the prequalification.

The superintendent most likely to be assigned to this project has **served as superintendent on at least three (3) projects in the last ten years of similar or comparable scope** (_____ gross square feet); stories (_____) ; function (_____) and dollar cost (\$_____) or similar building system components; foundation (_____) ; structural (_____) exterior wall (_____) ; roofing system: electrical service (_____) ; electrical distribution; heating system (_____) air conditioning system (_____) ; case work (_____) laboratory gases (_____) ; kitchen equipment (_____) , etc. Equivalent or comparable experience may be considered, at the City's sole discretion; however, it shall be sufficiently similar so that the City may conclude that the proposed Superintendent is familiar with and capable of handling the project(s) described in the prequalification.

III. JUDGMENTS:

Any judgment(s), whether one or several, entered against the contractor for breach of contract for construction within the past ten (10) years may be grounds for denying prequalification, at the City's sole discretion, after due consideration of the date(s), amount(s), facts and circumstances.

IV. SUBSTANTIAL NON-COMPLIANCE:

Any of the following may be grounds for denying prequalification, at the City's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor:

- in the last three (3) years has **received a final order for failure to abate or for a willful violation** by the US OSHA or by the Virginia Department of Labor and Industry or any other government agency; or
- has **paid liquidated damages** for failure to complete a project by the contracted date on more than two (2) projects in the last five (5) years; or
- has **paid actual damages** resulting from failure to complete a project by the contacted date on more than two (2) projects in the last five (5) year; or
- has **been terminated** for cause on a contract in the last five (5) years; or
- was **more than thirty (30) days late, without good cause**, in achieving the contracted substantial completion date where there was no liquidated damage provision on more than two (2) projects in the last three (3) years; or
- has **received more than two (2) cure notices** on a single project in the past two (2) years and/or more than one (1) cure notice on five (5) separate projects in the past five (5) years; or
- has **had repeated instances** on a project of **installation and workmanship deviations which exceed the tolerances in the standards referenced** in the contract documents. Documentation of such instances shall be the written reports and records of the owner's representatives on the project; or
- has **finally completed a project** more than 90 days after achieving substantial completion on two (2) or more projects in the last three (3) years , for reasons within the contractor's control. Documented delay of delivery of material necessary to perform remaining work or seasonal conditions that bear on performing the work or operating specific equipment or building systems shall be considered in mitigation; or
- has had **Performance or Payment Bond claims paid on its behalf** in the last three (3) years.

NOTE: *If the City intends to deny prequalification based on any of the above, it shall obtain written documentation evidencing same, pursuant to Section 2.2-4317 of the Code of Virginia, prior to such denial.*

V. CONVICTIONS:

Any of the following may be grounds for denying prequalification, at the City's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years:

- a) has **been convicted** on charges relating to **conflicts of interest**;
- b) has **been convicted** on charges relating to any **criminal activity** relating to contracting, construction, bidding, bid rigging or bribery;
- c) has **been convicted** on charges relating to **employment of illegal aliens** on construction projects.
- d) has **been convicted**: (i) under Va. Code Section 2.2-4367 et seq. (Ethics in Public Contracting); (ii) under Va. Code Section 18.2-498.1 et seq. (Va. Governmental Frauds Act); (iii) under Va. Code Section 59.1-68.6 et seq. (Conspiracy to Rig Bids); (iv) of a criminal violation of Va. Code Section 40.1-49.4 (enforcement of occupational safety and health standards); or (v) of violating any substantially similar federal law or law of another state

VI. DEBARMENT:

The following may be grounds for denying prequalification, at the City's sole discretion, after review and consideration of the dates, facts and circumstances:

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years: has been **debarred** by any agency or political subdivision of the Commonwealth of Virginia , by any agency of the United States or by any agency of another state.

VII. OTHER ADDITIONAL QUALIFICATION CRITERIA (IF ANY)