

**PREQUALIFICATION OF BIDDERS
FOR CONSTRUCTION PROJECTS**

Policy: 9115* (formerly FB)

Descriptor Term: PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS	Descriptor Code: 9115* (formerly FB)	
Presented to the Board: October 23, 2014	Adopted by the Board: December 2, 2014	Revisions: [date] Recodified as policy 9115: May 10, 2022

A. GENERAL

1. The purpose of this prequalification process is to impartially evaluate a contractor and to properly determine, by its responsible business practices, work experience and other qualifications, that it is approved to bid on a Board construction project, including prime contracts awarded by construction managers pursuant to the Construction Manager at Risk (CM at Risk) process. The award of contracts should be the result of open competition in bidding, impartiality in the selection of contractors, integrity in business practices and skillful performance history.
2. The administration shall be responsible for prequalifying individual contractors to bid on Board construction projects when the administration believes prequalification is preferred. The administration is not required to prequalify contractors for any particular project or projects. However, a contractor shall not be allowed to submit a bid on a construction project subject to prequalification unless it has been prequalified in accordance with Board policy.
3. The construction manager, administration and construction counsel shall jointly develop the assessment tool and criteria for each CM at Risk project, including the prequalification scoring values and minimum requirement score. The construction manager shall use the process outlined in this policy for the prequalification of contractors on CM at Risk projects.
4. Notwithstanding the fact that a contractor was prequalified, the Board, administration and construction manager reserve the right to reject a contractor's bid if it is determined that the contractor has not submitted the lowest responsive bid. The prequalification of the contractor shall not preclude the Board, administration or construction manager from subsequently concluding that the contractor is not a responsible bidder pursuant to [G.S. 143-129](#). The prequalification of a contractor for a project shall only apply to the individual

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project. All construction and repair contracts shall be awarded to the lowest responsive and ~~responsible bidder~~ [responsible bidder](#), taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

B. APPLICATION PROCESS

1. Each prospective bidder on contracts identified for prequalification by the administration and all CM at Risk projects shall submit an application on the approved prequalification application form in order to become prequalified. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm and other objective criteria rationally related to the contract to be awarded, including ~~MWBE~~ [Small Business Enterprise](#) participation on prior projects.

2. The administration shall ensure that applications prepared for the projects comply with this policy and state law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications may be rejected and/or returned for further detail or correction at the sole discretion of Guilford County Schools or construction manager.

C. APPLICATION

The application used by Guilford County Schools or the construction manager must be approved by the director of construction or designee and shall, at a minimum, address the following items:

1. Organizational Structure – The firm shall provide a list of all owners, officers, partners or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name typed or printed in a clear legible form. Firms experiencing changes in ownership, organizational structure or material changes in assets must inform the school system prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the school system or construction manager.

2. Classification – The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure and other pertinent information. ~~The firm shall provide its HUB (Historically Underutilized Business) status.~~ [The firm shall provide its Small Business Enterprise status.](#)

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3. Experience – The firm shall furnish information that documents the ability of the firm to undertake a project involving the type(s) of work for which prequalification is requested.

4. Financial – Firms will be required to provide a complete current annual financial statement (current within the previous 12-month period).

5. Litigation/Claims – Firms must provide information on success at completing projects on time, including the payment of liquidated damages. The firm will be required to submit information regarding its litigation history, including litigation with owners, subcontractors and suppliers.

6. Capacity – Firms shall demonstrate sufficient bonding capacity, insurance and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work. Firms shall also demonstrate an acceptable safety history for construction projects.

~~7. Diversity and Inclusion – Firms must show their history of MWBE participation on projects submitted for review as well as their aggregate average percentage of MWBE participation over the most recent five-year period.~~

8. Legal Authorization – All firms must show that they are legally authorized to conduct business in the State of North Carolina and have all required licensure for the work to be performed.

D. REVIEW OF APPLICATION – GUILFORD COUNTY SCHOOLS SINGLE PRIME, MULTI PRIME AND DUAL PRIME

1. Review of Applications – Guilford County Schools' Prequalification Committee shall use an objective assessment process. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by Guilford County Schools. The prequalification criteria used by the Prequalification Committee shall include project specific prequalification scoring values and the minimum required score to be prequalified for the project. Guilford County Schools' Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

2. Notice of Decision – The firms shall receive prompt written notification of Guilford County Schools' Prequalification Committee's decision, including the reason for denial.

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Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

E. REVIEW OF APPLICATION – CM AT RISK PROJECTS

1. Prequalification Committee - The construction manager and Guilford County Schools' staff shall agree upon the members of the construction manager's Prequalification Committee. The construction manager's Prequalification Committee will review prequalification applications submitted by the firms and will determine the firm's prequalification eligibility for the CM at Risk project.

2. Review of Applications – The construction manager's Prequalification Committee and Guilford County Schools' staff shall agree upon an objective assessment process. The construction manager and Guilford County Schools' staff shall develop prequalification criteria, including project specific prequalification scoring values and the minimum required score to be prequalified for the project. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the construction manager or Guilford County Schools. The construction manager's Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

3. Notice of Decision – The firms shall receive prompt written notification of the construction manager's Prequalification Committee's decision, including the reason for denial. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

F. APPEALS PROCEDURE

The firm may appeal the denial of Prequalification as noted below:

1. Appeal – The firm may appeal a prequalification denial by submitting a written appeal to the Superintendent or designee within three (3) business days of the receipt of the prequalification denial. The written appeal shall clearly articulate the reasons why the firm is contesting the denial and attach all documents and additional information supporting the firm's position. If the firm requests a hearing before the Superintendent or designee, a hearing shall be held within five (5) business days. The firm shall not be allowed to submit additional information without the written consent of the Superintendent or designee. Thirty (30) minutes shall be allowed for the hearing. Additional time may be allowed at the discretion of the Superintendent or designee.

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2. Decision – The Superintendent or designee shall render a decision on the appeal no later than three (3) business days prior to the opening of bids under [N.C. Gen. Stat. § 143-129](#)(b). For projects bid by Guilford County Schools, the decision of the Superintendent or designee shall be final, and the firm shall be promptly notified in writing of the decision. For CM at Risk projects, the Superintendent or designee shall notify the construction manager of its recommended decision. The construction manager shall review the recommended decision and issue a final decision to Guilford County Schools and firm. In the event the construction manager rejects a recommendation from the Superintendent or designee to prequalify the firm, the construction manager shall provide a written explanation of the denial to both the Superintendent or designee and the firm.

3. General Rules for Appeals – Firms submitting applications shall be provided an e-mail address for communication with the construction manager or Guilford County Schools during the appeal process. The firm shall provide a valid e-mail address for use by Guilford County Schools or construction manager in communicating with the firm.

Legal Ref.: [N.C. Gen. Stat. §§ 143-128.1](#) and [135.8](#)

Note: Procedures to be developed on a per project basis, per statute referenced above.

Adopted: December 2, 2014

Revised: May 10, 2022 (recoded from FB): [\[date\]](#)