

RFB #24-0073

DOCUMENT 002115 - INSTRUCTIONS FOR QUALIFICATION

PART 1 - GENERAL

1.1 PURPOSE, LAWS, AND REGULATIONS

- A. The purpose of the Qualification Procedure described in this Document is to provide Owner with a mechanism to evaluate and determine whether Prospective Bidders are qualified to participate in the construction of Project. Evaluation will be limited to that office of the Prospective Bidder that is proposed to perform the Work.
- B. Applicable provisions of **Kansas laws and regulations** are to be observed in the soliciting, receiving, and evaluating of Prospective Bidders' qualifications.
- C. Applicable provisions of **Kansas laws and regulations** are to be observed in bidding, letting, and execution of the Work.
- D. Prospective Bidders are required to comply with these Requirements for Qualification. Only those Prospective Bidders who have complied with the Requirements for Qualification and have been determined to be qualified will be eligible to submit construction bids on Project.

1.2 DEFINITIONS

- A. Financial Statement: The requirement for submitting a financial statement as an attachment to AIA Document A305, "Contractor's Qualification Statement," is understood to mean a certified annual audit, prepared according to generally acceptable accounting practices and signed by an independent certified public accountant. **[A Reviewed Statement of Assets and Liabilities, prepared and signed by an independent certified public accountant, is also acceptable.]** A self-prepared annual compiled financial statement or balance sheet is unacceptable.
- B. Prospective Bidder: A Prospective Bidder is a person or entity who submits a Submittal of Qualifications to Owner.
- C. Project: Generally described in the **[Invitation for Bids]**.

1.3 QUALIFICATION DOCUMENTS

- A. Qualification Documents: Consist of this "Instructions for Prequalification", AIA Document A305-2020, "Contractor's Qualification Statement," with required exhibits and additional documents issued by Owner.
- B. Obtaining Qualification Documents: Prospective Bidders may obtain complete sets of the Qualification Documents from the issuing office designated in the Advertisement for Qualification of Bidders. Prospective Bidders are to use complete sets of Qualification

Documents in preparing their submittal. Owner assumes no responsibility for errors or misinterpretations resulting from the use of incomplete sets of Qualification Documents.

- C. Interpretation or Correction of Qualification Documents: If the Prospective Bidder is in doubt as to the interpretation of any part of the Qualification Documents, or finds discrepancies in or omissions from any part of the Qualification Documents, it must submit a written Request for Interpretation thereof no later than November 6th, 2024 at 5:00 PM. Address all communications to Owner.

1.4 QUALIFICATION PROCEDURES

A. Form of Qualification Submittal:

1. Submittals of Qualification must be submitted in duplicate on AIA Document A305-2020, "Contractor's Qualification Statement," properly executed and with all items filled out in ink or typed, and all additional data, attachments, and forms provided. Do not change or add words to the Qualification Statement or forms. All signatures must be original (and sealed if a corporation) and must be notarized and sealed by a Notary Public.
2. Complete and attach the exhibits to AIA Document A305 indicated on AIA Document A304-2023, "Request for Contractor's Qualifications."

B. Modification to Requirements for Qualification:

1. Clarifications, alterations, or changes made by Owner to the Requirements for Qualification are to be in writing only. Verbal information is not valid or binding.
2. Modifications will be mailed or delivered to those Prospective Bidders having obtained Qualification Documents from the issuing office.

C. Submission of Qualification Documents:

1. Each Submittal of Qualification is to be delivered to the location indicated in the Advertisement for Qualification on or before the day and hour set for receipt of submittals.
2. Bid Submittal, Electronic: Owner will receive electronically submitted bids until the Bid time and date via County Bid web-based site. Owner will consider bids prepared in compliance with the Instructions to Bidders and delivered as follows:
 - a. Bid Date: November 19, 2024.
 - b. Bid Time: No later than **1:45 PM CST**, local time.
 - c. All communication, including questions, shall go through the Sedgwick County Purchasing Department only. Contact with the architects, engineers, owner or owner's representatives may result in disqualification.
 - d. Bids will be thereafter opened and read aloud via public webcast and teleconference as indicated in the Instructions to Bidders.
 - e. It is the sole responsibility of the Prospective Bidder to ensure that its submittal is received by the submittal date and time. No submittal submitted after the time fixed for receiving submittals will be considered;

late submittals will be returned to the Prospective Bidder unopened.

- f. Owner reserves the right to waive any informality and to request additional information from Prospective Bidders, at Owner's discretion.

D. Attachments:

1. Prospective Bidders are to complete all required forms and attachments described in the Qualification Documents, entering "Not Applicable" where information does not apply. Absence of any of the forms included in the Qualification Documents will be reason for possible disqualification.

E. Status of Prospective Bidders:

1. Proprietors submitting bids are to indicate their status as proprietors.
2. Prospective Bidders submitting qualifications for partnerships are to indicate their status as partners and submit a certified copy of the power of attorney authorizing the executor of the submittal to bind the partnership.
3. Prospective Bidders submitting qualifications for corporations are to indicate their status as corporations and submit a certified copy of the board of directors' authorization for the Prospective Bidder to bind the corporation, and affix the corporate seal on the submittal.
4. Prospective Bidders are to provide the following:
 - a. Names and addresses of proprietors, of all members of a partnership, or of the corporation's officers.
 - b. Name of jurisdiction where the partnership is registered or where the corporation is incorporated. Corporations must be licensed to do business in Project state at the time of executing the Contract.

1.5 WITHDRAWAL

- A. A Qualification Statement may be withdrawn on personal request received from the Prospective Bidder.

1.6 QUALIFICATION CRITERIA

- A. Prospective Bidders must demonstrate the following to the satisfaction of Owner:
 1. Proper license under the laws and regulations governing their respective trade(s) in Sedgwick County, Kansas.
 2. Capacity to provide Performance Bond, Labor and Material Payment Bond, and insurance in a form acceptable to Owner in amounts adequate to bond the Work based on the scope indicated in the Advertisement for Qualification.
 3. Applicable experience of firm as described in Contractor's Qualification Statement, including the following:
 - a. Experience of Firm: The firm in its current organization must have successfully completed the below minimum project(s) of similar type, quality, and scope. The firm must have a record of project completion,

credit record, record of judgment claims, arbitration proceedings, and suits pending or outstanding acceptable to Owner. Note that greater qualification weight will be given to firms that exceed these minimum requirements.

- 1) For the purposes of this project, with preference for total number of qualifying projects, the minimums are:
 - a) (1) Project must be Behavioral Health or Judicial/Forensic greater than 70,000 SF, ground up or renovation, in the last 5 years
 - b) (1) Healthcare project in the last 10 years.
 - c) (3) projects with a State, Local or Federal Government in the last 10 years.
4. Experience of Firm Officers: The firm officers must have personal record of project completion acceptable to Owner.
 - a. Experience of Project and Field Management Staff to Be Committed by the Prospective Bidder to Carry Out the Work: The assigned project manager and field superintendent must have successfully completed minimum of **[three]** projects of similar type, quality, and scope. They must be dedicated to the project for it's entirety as long as they are employed with the company.
 - b. For purposes of this submittal, reference to "key individuals," as described in Contractor's Qualification Statement, is to be understood to mean the principal in charge, the project manager(s), and Project field superintendent(s) committed by the Prospective Bidder to carry out the Work of this Project. By submitting qualifications of key individuals, Prospective Bidder agrees that Owner reserves the right to approve or reject subsequent reassignment of key individuals.
 - c. For purposes of this submittal, "successful completion" is to be understood to mean completion of Project within Project schedule and budget. Provide additional information indicating reasons why any referenced project did not meet project schedule or project budget.
5. Adequate financial resources, including ability to secure materials and labor necessary for completion of the Work and other work in hand, within the anticipated contract times, and reflecting the anticipated retainage from progress payments.
6. Work-in-hand capacity, such that the Prospective Bidder demonstrates adequate work under contract to continue its business operations at least at their current level, at the same time indicating the capability to carry out Owner's proposed work.
7. Adequate organization to complete work of the scope anticipated, including firm management, project management, field superintendence, and field engineering and quality control.
8. Acceptable past performance as indicated by firm's references, including ability to meet contract time and to monitor, manage, and communicate interim scheduling requirements; carry out required quality-control activities; properly prepare interim and final payment requests; and successfully complete Project closeout requirements.

9. Acceptable documentation to demonstrate firm's commitment to fostering equity by taking affirmative actions to ensure fair inclusion of small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, per the standards set forth in 2 CFR 200.321 Acceptable documentation of firm's employee screening practices as indicating by affidavit describing background check procedures for firm's employees and requirements for same incorporated in firm's subcontracts.
- B. Owner may make such investigations as it deems necessary to determine the ability of the Prospective Bidder to perform the Work, and the Prospective Bidder is to furnish to Owner all such information for this purpose as Owner may request. Owner reserves the right to withhold qualification if the evidence submitted by or investigation of such Prospective Bidder fails to satisfy Owner that such Prospective Bidder is properly qualified to carry out the obligations of the proposed Project. The determination of which Bidders are prequalified is not protestable, except as allowed by law.
- C. Sedgwick County, Kansas is a government entity subject to the Kansas Open Records Act (K.S.A. 45-215 et seq.). As such, qualification submittals and data for the proposed Project may be subject to disclosure. Without Sedgwick County, Kansas making any assurances, and to assist in addressing potential records requests, please identify that information in your submission that you believe is privileged or confidential and not subject to disclosure pursuant to law

1.7 BONDS AND INSURANCE

- A. The Prospective Bidder is to provide as part of the Submittal of Qualifications evidence of its ability to furnish below:
 1. Performance Bond, a Payment Bond, and a Labor and Material Bond, each in the amount of 100 percent of the Contract Sum, with a corporate surety authorized to transact business in Project's jurisdiction.
 2. Satisfactory Certificates of Insurance in the amount and types required by statute, but not less than the following:
 - a. Professional design errors and omissions insurance endorsement for delegated design by Contractor's professional engineer.
 - b. Workers' Compensation insurance provisions: Statutory limits.
 - c. Commercial General Liability insurance provisions: At limits established by Owner in Project Contract Documents and including below:
 - 1) **Mold** endorsement or separate certificate.

1.8 ACCEPTANCE OF QUALIFICATIONS

- A. Prospective Bidders will be notified of Owner's determination, within **[30]** days from the date of submission.
- B. Evaluations will be confidential. Notifications will be publicly available information.

- C. Owner may deny qualification if it finds one or more of the following:
1. The Prospective Bidder does not have sufficient financial capacity to perform the Work.
 2. The Prospective Bidder does not have the appropriate experience to perform the Work, including, but not limited to, having met the experience criteria set forth herein.
 3. The Prospective Bidder or any officer, director, or owner thereof has had judgments entered against him within the past five years for the breach of contracts for governmental or nongovernmental construction work, including, but not limited to, design-build or construction-management contracts.
 4. The Prospective Bidder has been in substantial noncompliance with the terms and conditions of prior construction with Owner, or in documented substantial noncompliance with the terms and conditions of prior construction with another public body without good cause.
 5. The Prospective Bidder or any officer, director, owner, or chief financial official thereof has been convicted within the past 10 years of a crime related to governmental or nongovernmental construction or contracting.
 6. The Prospective Bidder 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.
 7. The Prospective Bidder failed to provide to the public body in a timely manner any information required by the public body relevant to the six preceding subparagraphs.
 8. The Prospective Bidder provides false, nonresponsive, misleading, or incomplete information for items required herein.
- D. The acceptance of a Prospective Bidder's qualifications will be a Notice of Qualification Project Award, Contract and Notice to Proceed. However, false information provided is grounds for revocation of bid and qualifications.

1.9 PROSPECTIVE BIDDER'S CHECKLIST

- A. In an effort to assist the Prospective Bidder in properly completing all documentation required, the following checklist is provided for the Prospective Bidder's convenience. The Prospective Bidder is solely responsible for verifying compliance with qualification requirements.
- B. Attach this completed checklist to the outside of the submittal envelope.
1. Reviewed the Qualification Documents, including the Advertisement for Qualification, Request for Contractor's Qualifications, and these Instructions for Qualification, prior to preparing this submittal.
 2. Prepared AIA Document A305, "Contractor's Qualification Statement," as required by the document instructions and by the Instructions for Qualification, including all attachments and data required as part of the Qualification Statement, properly notarized.
 3. Attached:

- a. Copy of applicable Contractor's license(s).
 - b. Affidavit of Employee Screening.
 - c. Resumes of key individuals.
 - d. Other attachments as described or as necessary to provide information required.
4. Envelope shows name and address of the Prospective Bidder.
 5. Envelope shows the Prospective Bidder's Contractor's license number.
 6. By submitting notarized statement, the Prospective Bidder certifies that the Bidder can provide executed Performance Bond and Labor and Material Bond meeting requirements given in the Requirements for Qualification.
 7. By submitting notarized statement, the Prospective Bidder certifies that the Bidder can provide Certificates of Insurance in the amounts indicated in the Requirements for Qualification.

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF DOCUMENT 002115