



WATER & SEWER AUTHORITY
OF CABARRUS COUNTY

232 Davidson Hwy.
Concord, NC 28027

704.786.1783 ♦ 704.795.1564 Fax
www.wsacc.org

Project: Lower Coddle Creek Parallel Interceptor Project

Date Issued: March 23, 2023

THIS IS NOT A SOLICITATION FOR A BID

Sealed Applications for Contractor Prequalification for construction of the Lower Coddle Creek Parallel Interceptor Project for Water and Sewer Authority of Cabarrus County (WSACC) will be received by WSACC via email until **2:00 p.m.** local prevailing time on April 19, 2023.

Applications for Bidder Prequalification (“Prequalification Application”) may be obtained in electronic format only, through the following contact information:

Jason Dorn, PhD, PE
Project Manager
Gavel & Dorn Engineering
704-919-1900
jasond@gaveldorn.com

Because documents will only be transmitted in electronic format, there is no fee to obtain the prequalification package.

In an effort ensure the quality of its infrastructure, the Water and Sewer Authority of Cabarrus County wishes to engage in a prequalification process for this sanitary sewer pipeline construction project, which is described below. **Only prequalified contractors will be allowed to bid on this project.** Nothing contained within this Prequalification Application shall be deemed to be in violation of 2 CFR 200.391(e).

This project involves the construction of approximately 7,100 LF of 30-inch, 20,000 LF of 48-inch, and 40 LF of 54- and 60-inch sanitary sewer pipe along Coddle Creek in Cabarrus County, North Carolina across 2 phases (base bid and bid alternate). The project requires 1 trenchless crossings of NCDOT roadways, and installation of four diversion structures to divert flow from the existing Lower Coddle Creek Interceptor into the new parallel interceptor. This project is expected to advertise for construction in the Spring of 2023.

Prequalification evaluation criteria are included in the Prequalification Application.

The opening and evaluation of the Prequalification Application packages will not be public.

GENERAL

For all future direct bury pipeline projects, the successful bidder(s) will be required to furnish all labor, materials, equipment, tools, services and incidentals to complete the Work in accordance with the Specifications and Drawings.

Water and Sewer Authority of Cabarrus County (hereinafter "WSACC") will not be responsible for any cost incurred by prequalification applicant(s) ("Applicant") as a result of their participation in this prequalification process. Each Applicant will bear its own expense in connection with the preparation and submission of materials and the provision of any supplemental information requested ("Prequalification Materials"). WSACC shall have no liability for cost incurred by Applicants in connection with the review and evaluation of Prequalification Materials and any findings and determinations made therefrom. **This is not a solicitation for bid.** All Prequalification Materials and information submitted during the prequalification process will become the property of WSACC and will not be returned to the Applicant.

In the event an Applicant is deemed not prequalified, the Applicant may protest the denial of prequalification in writing. N.C. Gen. Stat. §143-135.8(c)(5) The written protest must be received by WSACC's Finance Director, Wendi Heglar (wheglar@wsacc.org) and or Assistant Finance Director, Shelley Farris (sfarris@wsacc.org) within three (3) business days of notice of denial. The written protest shall clearly identify the project and the project manager, clearly articulate the reasons for the protest, and attached any documents or additional information in support of the Applicant's position. It is the responsibility of the Applicant to verify receipt of protest documentation by WSACC within the stated timeframe. Upon final determination of prequalification status, WSACC shall within ten (10) business days state the basis of the denial of prequalification, in writing and upon request, to an Applicant who is denied prequalification. N.C. Gen. Stat. §143-135.8(c)(6).

The decision to prequalify an Applicant shall not constitute a determination that the Applicant is responsible, and such Applicant may be subsequently rejected as non-responsible based on subsequently discovered information. WSACC's action in rejecting an Applicant as non-qualified in this regard is final. Nothing contained within this Prequalification Application shall be deemed to be in violation of 2 CFR 200.319(e).

PREQUALIFICATION APPLICATION REQUIREMENTS

The Applicant must complete and submit the Prequalification Application and attachments by email only to the email address shown below. Prequalification Applications may be submitted as an attachment to the email or by providing a link from which the Prequalification Application may be downloaded. It is the responsibility of the Applicant to ensure the Prequalification Application and all Prequalification Materials is received by WSACC. Together, these documents comprise the Prequalification Application. The Prequalification Application shall be signed where indicated.

Prequalification Applications should be submitted to the following address:

Gavel & Dorn Engineering
Attention: Jason Dorn, PhD, P.E. – Project Manager
jdorn@gaveldorn.com
704-919-1900

The information presented in the Prequalification Application should be clear, complete, concise and not misleading. All attachments submitted shall be identified with the name of the Applicant. Failure to submit a response on the official forms provided for that purpose may be considered just cause for rejection of the response. Modification of any portion of Prequalification Application may be cause for rejection of the response. WSACC reserves the right to decide, at its sole discretion, and on a case-by-case basis, whether to reject such a Prequalification Application as non-responsive.

CONFIDENTIAL/PROPRIETARY INFORMATION

All materials submitted by the Applicant (including the Prequalification Application, Prequalification Materials, requests, and other communications) are considered public records except for material which qualifies as “trade secret” information under N.C. Gen. Stat. §66-152 *et seq.* and “confidential information as protected by state and federal law , including, without limitation, social security numbers, bank account numbers, and driver’s license numbers (“PII”). After the Application due date, WSACC staff forming the selecting committee, as well as members of the general public who submit public records requests will review the Prequalification Application.

If WSACC determines that a document the Applicant has designated "confidential," "PII" or "trade secret" is not entitled to protection from public disclosure, the Owner will provide notice of that determination to the contact person designated by the Applicant, in any reasonable manner that the Owner can provide such notice, at least five (5) business days prior to its public disclosure of the document. If the Applicant does not designate anyone to receive such notice the Owner will not have any obligation to provide any notice of a determination of non-confidentiality. If the Applicant does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the Applicant does not initiate judicial proceedings to protect the confidentiality of the document, WSACC will not have any obligation to withhold the document from public disclosure.

By submitting to WSACC a document that the Applicant designates as "confidential," "PII" or "trade secret", the Applicant agrees that in the event a third party brings any action against WSACC or any of its officials or employees to obtain disclosure of the document, the Applicant will indemnify and hold harmless WSACC and each of WSACC’s affected officials and employees from all costs, including attorney's fees incurred by or assessed against any defendant, of defending against such action. The Applicant also agrees that at WSACC’s request, the Applicant will intervene in any such action and assume all responsibility for defending against it, and that the Applicant's failure to do so will relieve WSACC of all further obligations to protect the confidentiality of the document.

EVALUATION

WSACC reserves the right to waive any and all irregularities or informalities in the submittal, to reject any and all Prequalification Applications, and to accept the Prequalification Application(s) with a minimum total score of 80% of available points, and a total Safety score of 70% of available points. N.C. Gen. Stat. §128-135.8 *et seq.*

Written notification of each Applicant's prequalification status will be provided within 60 days of the submission deadline. In evaluating each Prequalification Application, WSACC will consider, by way of illustration and not limitation, the criteria included in this section:

A. NON-POINT RATING ITEMS

An unsatisfactory rating on any item in the category titled "Non-Point Rating Items" will be considered sufficient cause to determine that an Applicant is not prequalified to bid. N.C. Gen. Stat. §143-135.8(b)(2). The following are non-point criteria:

1. **Responsiveness to Prequalification Application** – Only responsive Prequalification Applications will be considered and evaluated. A responsive Prequalification Application must be completed according to the instructions, include all required Prequalification Materials and attachments, and requested information and is comprised of, but is not limited to the following:
 - Application for Bidder Prequalification
 - Attachment A: Applicant Information
 - Attachment B: Details of Past Projects
 - Attachment C: Applicant Affidavit
 - Additional information as needed to provide a complete response to the Prequalification Application
2. **Debarment Status** – By submitting a Prequalification Application, the Applicant certifies that neither it nor any affiliated entity is currently debarred from submitting bids or has otherwise agreed not to submit bids on contracts with any government or business entity. If the Applicant experiences a material change in its debarment status after the Prequalification Application is submitted and prior to the award of the contract for the project, the Applicant shall notify WSACC of the change in writing at the time the change occurs or as soon thereafter as is reasonably practicable. If at any time during the evaluation process the Applicant is debarred as described above, it will be considered grounds for automatic disqualification.
3. **Contractor's License** – The Applicant must provide a copy of their North Carolina Contractor's License or provide a statement indicating that they are able to acquire one before submitting a bid on a project. If a statement is required, the Applicant shall identify the states in which they are licensed for this type of work.
4. **Bonding Capacity/Statement** – Applicants must provide a signed statement from its Surety stating that, based on present circumstances, the surety will be willing to provide bid, performance and payment bonds for the Applicant in connection with projects in the estimated range as outlined in this Prequalification Application.

- 5. Minimum Project Experience** – The minimum experience of the Applicant for prequalification is listed in Attachment A. The Applicant shall answer “Yes” or “No” to verify whether the Applicant meets the minimum requirements. Project experience including projects that demonstrate the minimum requirements are met shall be include in the Attachment B for documentation of project experience.

B. POINT-RATING ITEMS

The Applicant must achieve a minimum total score of 80% of the available points on the “point-rating items” as well as a 70% in the “Safety” section of the evaluation summary to be prequalified. N.C. Gen. Stat. §143-135.8(b)(3) In considering an Applicant for prequalification, WSACC shall be the sole judge of the Applicant’s history of satisfactory project performance, whether or not the Applicant possesses a sufficient number of experienced qualified personnel at its management and supervisory level, and whether the Applicant has demonstrated a commitment on its projects to accommodating changes and disruptions in the work, all of which indicate the ability to successfully complete the Project at the lowest possible cost to WSACC in accordance with the Project schedule. The following are point-rating criteria:

- 1. Project Experience** – During evaluation of project performance, emphasis will be placed on past performance on projects, including Applicant’s ability to meet scheduled completion dates. In addition to pipeline installation qualifications, the Applicant should emphasize the following:
 - a. Past performance demonstrating management, manpower and expertise located in the mid-Atlantic region.
 - b. Experience and performance with regards to installation of large diameter pipelines in flood plain areas, in NCDOT rights of way, and within utility easements located on private property.

WSACC intends to contact references listed in the Prequalification Application and reserves the right to contact other potential references, if referred to WSACC, during the course of this evaluation, or in the event WSACC becomes aware of other potentially pertinent references. WSACC reserves the right to contact any party it deems appropriate and by submitting a response to this Prequalification Application, the Applicant releases WSACC and any references from all liability concerning this exchange of information.

- 2. Project References** – WSACC intends to reach out to multiple references for projects provided under project experience. WSACC will inquire about overall review of contractors as well as specific questions including but not limited to completing work on time, amounts of change orders not requested by Owner, completion of contract obligations, and liquidated damages assessed.
- 3. Safety** – Safety data will be reviewed and compared to industry standards.
- 4. Other Relevant Criteria** – Any other relevant criteria deemed to be in the best interest of WSACC may be evaluated in determining whether or not to accept an Applicant’s Prequalification Application.

MINORITY PARTICIPATION

WSACC policy is to encourage Applicants to use small, disadvantaged, minority, and women-owned businesses (“MWBE”) as subcontractors. WSACC has adopted an aspirational goal of ten percent (10%) of the total contract amount to be performed by MWBE businesses in contracts awarded by WSACC for construction projects of \$300,000 or more and building related contracts of \$100,000 or more that include any State funding. N.C. Gen. Stat. §§143.128.2, 143.128.3, 128-143.4, *et seq.* Details of the policy can be obtained by contacting WSACC’s Finance Director, Wendi Heglar (704-786-1783).

PROCUREMENT LAW

Prequalification and bidding procedures will be governed by, and administered in accordance with, applicable law in the jurisdiction of North Carolina. N.C. Gen. Stat. §143-128 *et seq.*

DAVIS-BACON REQUIREMENTS

Selected low bidder will be required to conform with the Davis-Bacon Act. Bidder’s attention is directed to the requirement concerning the payment of not less than the prevailing wage and salary rates specified in the Contract Documents and the conditions of employment with respect to certain categories and classifications of employees. Written documentation of wage and or salary rates (payroll) will be required with each payment application. 40 U.S.C. §3141, *et seq.*

ADDENDA AND INTERPRETATIONS

All requests for interpretation of the Prequalification Application and Prequalification Material, including all attachments, must be made in writing to the Engineer, Gavel & Dorn Engineering. Such requests must be addressed to Jason Dorn, Project Manager, 6730 Freedom Drive, Charlotte, NC 28214. Requests can be made by email at jasond@gaveldorn.com Requests made via fax will not be accepted. Any and all such interpretations and any supplemental instructions or changes will be in the form of written addenda which, if issued, will be sent to all prospective Applicants at the addresses furnished for such purposes, not later than 2 days prior to the date fixed for submittal of the Prequalification Application. Failure of any Applicant to receive any such addenda shall not relieve such Applicant from any obligation under its Prequalification Application as submitted. All addenda so issued shall become part of the Prequalification Application and must be signed by all Applicants and returned to WSACC with the Prequalification Application. All addenda will be issued via e-mail.

NOTICE OF SUBSTANTIAL CHANGES

If the Applicant experiences a material change in its debarment status, corporate structure or personnel after the Prequalification Application is submitted, and prior to the award of future contracts covered under this Prequalification Application, the Applicant shall notify WSACC of the change in writing at the time the change occurs or as soon thereafter as is reasonably practicable. Failure to notify WSACC of any material change in the Applicant’s debarment

status, corporate structure or personnel may constitute grounds for rescinding a "qualified to bid" rating or for rejection of a bid submitted as a result of this Prequalification Application.

MISREPRESENTATION

If any Applicant knowingly makes a misrepresentation in submitting information to WSACC or fails to provide all required information, or provides information that is misleading, such misrepresentation, omission or misleading information will be sufficient grounds for rescinding a "qualified to bid" rating or for rejection of a bid submitted as a result of this Prequalification Application.

COLLUSION AMONG APPLICANTS

More than one response from an individual, firm, partnership, corporation, or association under the same or different name will be rejected. Any or all responses will be rejected if there is any reason for WSACC to believe that collusion exists among one or more Applicants. Participants in such collusion may not be considered in future bids for the same work. Each Applicant by submitting a response certifies that they are not a party to any collusive action or to any action that is otherwise unlawful.

**WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
LOWER CODDLE CREEK PARALLEL INTERCEPTOR PROJECT
APPLICATION FOR BIDDER PREQUALIFICATION**

COVER PAGE

A copy of this page shall be the cover page for each set. All attachments and any additional information should be included with each set.

Applicant Name: _____

Provide all names under which the Applicant does business:

Is the Applicant related to another firm as a parent, subsidiary, or affiliate? Yes No

If yes, attach names and addresses for all affiliated, parent and/or subsidiary companies, and state the nature of each affiliation.

Address: _____

Tax Identification Number (EIN/SSN): _____

Is Applicant a corporation? Yes No

If yes, what is the State of incorporation? _____

If not incorporated, specify method and date of organization: _____

If a partnership, attach partnership details (such as partner's names and individual contact information for each partner). If a Joint Venture (JV), attach the JV agreement and provide details of the intended role of each JV member, including appropriate additional attachments (at a minimum an Attachment D for each JV member).

If so, provide, as attachment, any governmental certifications thereof.

Provide contact information including name, title, phone number and email address of the person who can respond authoritatively to any questions regarding this response:

Signed by: _____

Printed name and title: _____

Telephone No: _____

E-mail Address: _____

ATTACHMENT A

**WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
LOWER CODDLE CREEK PARALLEL INTERCEPTOR PROJECT
APPLICATION FOR BIDDER PREQUALIFICATION**

APPLICANT INFORMATION

A. NON-POINT RATING ITEMS

- 1. **Responsiveness to Prequalification Application**– Responsiveness is defined in the Prequalification Application section titled “Evaluation.”
- 2. **Debarment Status** – Has the Applicant, or any affiliate, ever been the subject of any of the following actions:
 - a. Debarment..... Yes No
 - b. Deletion from a Prequalified Bidders List..... Yes No
 - c. Other action which resembles debarment Yes No

If yes, provide details on a separate sheet for each instance.

- 3. **Contractor's License** – Attach a copy of the Applicant’s North Carolina Contractor’s License or attach a statement about Applicant’s ability to acquire one in a timely fashion. If a statement is required, the Applicant shall identify the states in which they are licensed for this type of work.

Applicant should also indicate the type(s) of work the Applicant’s workforce and equipment normally perform.

4. Capacity

Attach a signed statement from Applicant’s Surety stating that, based on present circumstances, the surety will be willing to provide bid, performance and payment bonds for the Applicant in the amount of \$40.0 million.

Attach a signed statement or insurance certificate from Applicant’s insurance company stating that, based on present circumstances the insurance company will be willing to provide insurance coverage for the Applicant based on the requirements listed below:

- Workers’ Compensation: \$1,000,000
- Employer’s Liability: \$1,000,000
- General Liability: \$4,000,000 combined single limit, with Owner named as additional insured.
- Commercial Auto Liability: \$1,000,000 combined single limit, with Owner named as additional insured.
- Umbrella or Excess Liability: \$5,000,000 each occurrence and general aggregate.

B. POINT RATING ITEMS

1. Minimum Project Experience – Please check all that apply. The Applicant shall document this minimum experience in the Details of Past Projects submitted in Attachment B.

- a. Within the last five (5) years, has the Applicant installed fiberglass reinforced gravity sewer pipe (e.g., without limitation, Hobas and Flowtite) with a diameter of at least 42 inches for a length of at least 5,000 feet on two or more projects and a cumulative length of at least 10,000 feet?

Yes No

Yes = 5 points, No = 0 points

- b. Within the last five (5) years, has the Applicant installed fiberglass reinforced pipe or PVC gravity sewer pipe at depths greater than or equal to 20 feet deep for a minimum length of 1,000 feet?

Yes No

Yes = 3 points, No = 2 points (if no provide additional supporting evidence that this can be completed)

- c. Within the last five (5) years, has the Applicant completed a gravity sewer project with a total construction cost of at least \$10 million?

Yes No

Yes = 2 points, No = 0 points

- d. Within the last five (5) years, has the Applicant completed a gravity sewer project involving removal of more than 10,000 CY of rock?

Yes No

Yes = 2 points, No = 0 points

- e. Within the last five (5) years, has the Applicant completed the construction of a cast-in-place concrete water retaining structure in a wastewater application?

Yes No

Yes = 2 points, No = 0 points

- f. Within the last five (5) years, has the Applicant experienced a failure of its bypass pumping system that led to a reportable incidence (SSO)?

Yes No

Yes = 0 points, No = 2 points

Using a separate copy of Attachment B for each project, provide details of five (5) or more projects that demonstrate the experience outlined above, as well as in the Project Experience section of the Prequalification Application.

2. Project Experience References – Experience and Reference information is addressed on Attachment B.

Project Experience References Scoring:

Provided 5 sample projects in accordance with criteria = 3 points each, project not relevant = 0 points. For reference not provided for project, = 0 points, for neutral reference = 3 points, for each positive reference = 5 points. Note positive reference is achieved by answers to questions including but not limited to contract completed on time, were liquidated damages assessed, amount of change orders not directed by the Owner.

3. Safety Performance – On a separate sheet provide the following:

- a. Experience Modification Rating (EMR) with 3-year trends. If these rates reflect corporate performance over a number of locations, please explain, to the extent possible, the performance experience of the location(s) most likely to serve this project. If EMR is greater than 1.0, provide explanation of increased incidence rate.

If EMR average of three years is < or equal to 0.85 = 5 points; If EMR rate is 0.86-1.0 = 4 points, if EMR is 1.01-1.06 = 2 points, if EMR > 1.06 = 0 points

- b. Days Away, Restrictions or Transfers (DART) with 3-year trends. If DART is greater than the national average for the respective/appropriate sector, provide explanation of increased incidence rate.

better than 1st quartile = 1; between 1st and 2nd quartile = 3; between 2nd and 3rd = 4, better than top quartile = 5 (compared to NAICS 237110)

- c. Total Recordable Incident Rate with 3-year and 5-year trends

better than 1st quartile = 1; between 1st and 2nd quartile = 3; between 2nd and 3rd = 4, better than top quartile = 5 (compared to NAICS 237110)

- d. Attach OSHA 300 log for last 3 years. Details from your organization's OSHA Form 300 and 300A indicating:

- Number of lost workday cases
- Number of restricted workday cases
- Number of cases with medical attention only
- Number of fatalities

5 points for including, 0 if not included

4. Other Relevant Criteria – Using a separate sheet, please attach any other relevant information that may be in the best interest of WSACC to evaluate during the prequalification process.

ATTACHMENT B

**WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
LOWER CODDLE CREEK PARALLEL INTERCEPTOR PROJECT
APPLICATION FOR BIDDER PREQUALIFICATION**

DETAILS OF PAST PROJECTS

Contractor Name: _____

If Contractor's Name is not the same as Applicant's name, state relationship (i.e. parent company, subsidiary, JV etc.): _____

Project Manager: _____

Superintendent: _____

Project Name: _____

Project Location: _____

Contract # _____ Project # Owner: _____

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Engineer: _____

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Construction Manager (if any): _____

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Contract Dates (completion dates should reflect substantial completion - if not indicate)

Notice to Proceed: _____

Contractual Completion: _____

Actual Completion: _____

Description of Project: _____

Original Contract Value: \$ _____

Final Contract Value: \$ _____

Value of Change Orders: \$ _____

Outstanding Claims: \$ _____

Bonding Company: _____

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

List the five largest subcontractors on this project in terms of percentage of participation.

Subcontractor: _____

Trade: _____ Participation: _____%

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Subcontractor: _____

Trade: _____ Participation: _____%

Address: _____

Contact Person: _____ Contact Title & Phone #
_____ () _____

Subcontractor: _____

Trade: _____ Participation: _____%

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Subcontractor: _____

Trade: _____ Participation: _____%

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

Subcontractor: _____

Trade: _____ Participation: _____%

Address: _____

Contact Person: _____

Contact Title & Phone # _____ () _____

ATTACHMENT C

**WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
LOWER CODDLE CREEK PARALLEL INTERCEPTOR PROJECT
APPLICATION FOR BIDDER PREQUALIFICATION**

APPLICANT AFFIDAVIT

The undersigned hereby attests under penalty of perjury and by personal knowledge to the following:

1. The contents of the Application for Bidder Prequalification (including all submitted attachments and other documentation) are true, correct and not misleading.
2. To the best of my knowledge neither the Applicant, nor its agents, affiliates, partners, employees, officers, directors or other associates of any kind, have colluded with any individual or entity on behalf of the Applicant, or themselves, to produce an unfair advantage over others or to gain favoritism in the award of any contract resulting from this Prequalification Application.
3. By responding to this Prequalification Application and submitting the Application for Bidder Prequalification, the Applicant agrees to indemnify and hold harmless all parties to this Prequalification Application, including, but not limited to, the Owner and Engineers for any conceivable damages arising therefrom; and affirms that no compensation is expected as a result of the preparation of said response.
4. Applicant agrees to use the submitted personnel for the duration of this project. Any changes in the submitted personnel must be approved in writing by WSACC.

Applicant Name: _____

Officer's Signature: _____

Printed name and title: _____

Telephone No: _____

Affix Corporate Seal

Witnessed by: _____

Witness printed name and title: _____

Date Signed: _____