

VERMONT AGENCY OF TRANSPORTATION

**SPECIAL PROVISION FOR
PREQUALIFICATION FOR SINGLE PHASE DESIGN-BUILD
PROCUREMENT**

THIS SPECIAL PROVISION DEFINES THE PROJECT SPECIFIC PREQUALIFICATION POLICIES AND PROCEDURES FOR THE SUBJECT PROJECT AND GOVERNS THE PREQUALIFICATION ACTIVITIES FOR SUCH PROJECT. THIS SPECIAL PROVISION WILL BE INCORPORATED INTO THE SUBJECT PROJECT'S CONTRACT DOCUMENTS.

SUBJECT PROJECT: MILTON IM 089-3(66)

DATE: MARCH 3, 2012

**VERMONT STATE AGENCY OF TRANSPORTATION
SPECIAL PROVISION FOR
PREQUALIFICATION FOR SINGLE PHASE DESIGN-BUILD PROCUREMENT**

INDEX

Section	Title	Page
1	PREQUALIFICATION; DEFINITIONS; AUTHORITY; FUNCTIONS; CONFIDENTIALITY	1
	1.01 General	1
	1.02 Authority of the Secretary of Transportation	7
	1.03 Prequalification Committee Composition and Organization	7
	1.04 Functions and Duties of the Prequalification Committee	9
	1.05 Confidentiality of Prequalification Committee Files	9
2	CONTRACTOR'S EXPERIENCE QUESTIONNAIRE AND FINANCIAL STATEMENT	10
	2.01 Contractor's Experience Questionnaire and Financial Statement	10
	2.02 Additional Information	10
3	ANNUAL PREQUALIFICATION RATINGS AND WORK CLASSIFICATIONS	10
	3.01 Setting Annual Prequalification Ratings and Work Classifications	10
	3.02 Annual Prequalification Determination	11
	3.03 Time of Filing	11
	3.04 Time Limitation for Submitting Annual Prequalification Questionnaire and Request	12
	3.05 Ratings and Classifications	12
	3.06 Notification By Committee of Annual Prequalification Status	16
	3.07 Expiration and Renewal of Annual Prequalification Status	16
	3.08 Revision of Ratings and Classifications	17
	3.09 Annual Prequalification of Subsidiary and Affiliated Companies	17
4	DENIAL, REDUCTION, OR REVOCATION OF ANNUAL PREQUALIFICATION RATINGS AND/OR WORK CLASSIFICATIONS	18
	4.01 Grounds for Denial, Reduction, or Revocation of Ratings and Work Classifications	18
5	PROJECT SPECIFIC PREQUALIFICATION	19
	5.01 Project Specific Prequalification Description and Procedure	19
	5.02 Time Limitation for Submitting Request for Contract Specific Prequalification	20
	5.03 Determination of Prequalification	20
	5.04 Dollar Value for Each Project Contract; Engineer's Estimate	22
	5.05 Two of More Proposals in Excess of Rating(s)	22
	5.06 Joint Venture Prequalification	23
6	APPEALS; HEARINGS	24
	6.01 Request for Hearing	24
	6.02 Entity's Duty at Hearing	24
	6.03 Appeal; Time to Appeal	25
	6.04 Appeal Does Not Affect Committee Action	25
	6.05 Appeals from Administrator Decisions	25
	6.06 Failure to File Written Appeal After Notice	25
	6.07 Rating or Work Classification Changes on Appeal; When Effective	25

7		MODIFICATIONS AND EXCEPTIONS	26
	7.01	Secretary's Authority to Modify Policies and Procedures	26
	7.02	Secretary's Authority to Grant Exceptions	26
		APPENDIX A – GENERAL DESCRIPTION OF WORK CLASSIFICATIONS	43

**STATE OF VERMONT
AGENCY OF TRANSPORTATION
SPECIAL PROVISION FOR
PREQUALIFICATION FOR SINGLE PHASE DESIGN-BUILD PROCUREMENT**

**1 PREQUALIFICATION; DEFINITIONS; AUTHORITY; FUNCTIONS;
CONFIDENTIALITY**

1.01 GENERAL

- A) History. Prequalification of contractors was adopted by the Vermont Department of Highways in 1951 and the Prequalification Committee has been functioning continually since that time.

The process of project specific prequalification for Single Phase Design-Build procurement is carried out in accordance with these Special Provisions which were approved by the Secretary of the Agency of Transportation. The project specific prequalification for Single Phase Design-Build procurement involves the qualifications of the Design-Builder (both the Contractor and the Designer). The prequalification function is under the purview of the Contract Administration Section and is administered by the Prequalification Administrator.

- B) Notice of Publication of List of Prequalified Design-Builders. The Agency of Transportation may make available to the public or post on its web site a list of all prospective Bidders (Design-Builders) that have obtained Project Specific Prequalification necessary to participate in Agency Design-Build project procurements.
- C) Definitions. Whenever in these Special Provisions the following terms or pronouns in place of them are used, the intent and meaning shall be as follows:

ADDENDUM - A supplement to the original proposal form covering additions, deletions, corrections, or changes in the bidding conditions that may be issued prior to the date of bid opening.

ADMINISTRATOR – See “PREQUALIFICATION ADMINISTRATOR”

ADVERTISEMENT - A public announcement inviting bids for work to be performed and/or materials to be furnished.

AGENCY - The State of Vermont Agency of Transportation.

ANNUAL PREQUALIFICATION – See “PREQUALIFICATION”

AWARD - The formal acceptance by the Agency of a proposal.

BID – See “PROPOSAL”

BID BOND – See “PROPOSAL GUARANTY”

BIDDER - An entity that is specifically prequalified to submit a Design-Build Proposal. See “ENTITY”

BID ESCROW - A process for securely storing the original documents used by a contractor in preparing its price proposal until either the information is needed or the work is complete.

CALENDAR DAY - Any day shown on the calendar, beginning and ending at midnight.

CHIEF OF CONTRACT ADMINISTRATION - The Agency employee authorized to administer the bidding and contract award processes set out in these Policies and Procedures.

CLASSIFICATION(S) – See “WORK CLASSIFICATION(S)”

COMMITTEE - The Prequalification Committee of the Vermont Agency of Transportation.

CONTRACT - The written agreement between the Agency and a contractor setting out the obligations of the parties to the contract for the performance of the work described therein.

CONTRACT BOND(S) - The approved forms of security, signed and furnished by the contractor and the contractor’s surety or sureties, guaranteeing signatures on the contract, performance of and compliance with the contract, and the payment of all legal debts pertaining to the construction of the contracted project(s).

CONTRACT BY CONTRACT RATING (CCR) – A rating in lieu of an NCCR (Number of Contracts Capacity Rating).

CONTRACTOR(S) – An entity that has Annual Prequalification status and the team member(s) of Design-Builder responsible for the building/constructing of a project.

CONTRACTOR’S EXPERIENCE QUESTIONNAIRE AND FINANCIAL STATEMENT – The approved form or forms upon which an entity shall furnish requested facts and information to the Prequalification Committee about the entity’s ability to finance, support, and perform contracted work.

CONTRACTS AND SPECIFICATIONS ENGINEER – The Agency employee with full authority to schedule contract advertisements and bid openings, prepare contract proposal forms, including all specifications and contract requirements, solicit bids, declare responsibility of submitted bids, and process the award and signing of Agency contracts.

PROJECT SPECIFIC PREQUALIFICATION – See “PREQUALIFICATION”

CPA - Certified Public Accountant - A person who is registered by the State of Vermont Standard of Public Accountancy as a CPA or whose home-state registration qualifications are equivalent to those established in Vermont.

DESIGN-BUILDER: Any company, firm, partnership, joint venture, corporation, association, or other entity permitted by law to practice engineering, and construction contracting in the State of Vermont. The Design-Builder shall have the capability, in all respects, to perform fully the contract requirements and have the business integrity and reliability which will assure good faith performance.

DESIGNER: The team member(s) of the Design-Builder responsible for the final design of the project to be constructed.

DIRECTOR OF PROGRAM DEVELOPMENT – The person appointed and designated as the head of the Agency’s Program Development Division.

ELECTRONIC BID – A bid submitted on a contract proposal electronically utilizing the Bid Express electronic bidding services.

ENTITY – An individual, partnership, firm, organization, association, corporation, or joint venture able to contract under Vermont law.

EQUIPMENT - All machinery and equipment, together with all necessary supplies for upkeep and maintenance, and the tools and apparatus necessary for the construction and completion of specified work.

GENERAL SPECIAL PROVISIONS - Approved additions and revisions to the Standard Specifications for Construction.

HEARING OFFICER - An individual appointed by the Secretary of Transportation to hear appeals of actions of the Prequalification Committee and report the findings of fact, conclusions, and recommendations to the Secretary.

HOLIDAYS – Holidays occur on:

New Years Day	January 1
M.L. King’s Birthday	Third Monday in January
President’s Day	Third Monday in February
Town Meeting Day	First Tuesday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Bennington Battle Day	August 16
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans’ Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	December 25

JOINT VENTURE - An association of two or more entities to carry out a single business enterprise, for which purpose they combine their capital, personnel, equipment, experience, skills and knowledge.

MAXIMUM DOLLAR CAPACITY RATING (MDCR) - The maximum dollar value of all uncompleted work that a contractor may have at any time for all clients.

NUMBER OF CONTRACTS CAPACITY RATING (NCCR) - The maximum number of construction contracts for all clients that a contractor may have under contract and/or in progress at any one time.

PREQUALIFICATION:

Annual Prequalification - The process by which an entity is generally approved to bid on contracts advertised by the Agency, but not yet approved to bid on any specific contract.

Project Specific Prequalification - The process by which an entity is approved to participate in a specific project procurement advertised by the Agency.

PREQUALIFICATION ADMINISTRATOR – The Agency employee charged with administration of the prequalification process for the Prequalification Committee. The Prequalification Administrator serves as Secretary to the Prequalification Committee.

PROJECT - The specific portion or area of a transportation facility on which work is to be performed under one or more contracts and all the work to be performed there; also includes all projects for clients other than the Agency greater than \$100,000.

PROJECT SPECIFIC PREQUALIFICATION SOLICITATION - For Single Phase Design-Build Procurement, the format and submittal requirements for prospective Design-Builders to provide the VTRANS Contract Administration Section and Prequalification Committee, information for determining a prequalified list for a specific project.

PROPOSAL - The offer of a bidder, on the prescribed form, to perform work and/or provide materials at the prices quoted in the offer.

PROPOSAL FORM - The prescribed form on which the offer of a bidder is to be submitted.

PROPOSAL GUARANTY - The security furnished with a bid to ensure that the bidder will enter into a contract if the bidder's proposal is accepted by the Agency.

QUESTIONNAIRE – See 'CONTRACTOR'S EXPERIENCE QUESTIONNAIRE AND FINANCIAL STATEMENT.'

RATINGS – See MAXIMUM DOLLAR CAPACITY RATING (MDCR); NUMBER OF CONTRACTS CAPACITY RATING (NCCR); and CONTRACT BY CONTRACT RATING (CCR)

REQUEST FOR PROPOSAL (RFP): All documents, whether attached or incorporated by reference, utilized for soliciting a proposal.

SECRETARY - The Secretary of Transportation, the appointed head of the Vermont Agency of Transportation, in person.

SINGLE PHASE DESIGN-BUILD PROCUREMENT – A procurement process where price and/or technical proposals are submitted in response to an RFP. Short listing is not used.

SPECIAL PROVISIONS - Additions and revisions to the Standard Specifications for Construction, Supplemental Specifications, General Special Provisions, Plans, or other documents that are part of a particular contract.

SPECIFICATIONS - The compilation of provisions and requirements for the performance of prescribed work including the Standard Specifications for Construction, Supplemental Specifications, General Special Provisions, Special Provisions, Plans, and other documents that are part of a particular contract.

STANDARD SPECIFICATIONS - The book entitled VTrans Standard Specifications For Construction and the specifications included therein, as approved for general and repetitive use and application in Agency construction contracts.

STATE - The State of Vermont, acting through its authorized representative.

SUBCONTRACTOR - An individual or legal entity to which a contractor sublets a part of the work included in a contract.

SURETY - An individual or legal entity acceptable to the State executing the bond or bonds furnished by a bidder or contractor.

V.S.A. – Vermont Statutes Annotated.

WORK - The furnishing of all labor, materials, equipment, and incidentals necessary or convenient to the successful completion of a project and the carrying out of all the duties and obligations imposed by a contract.

WORK CLASSIFICATION(S) – The types of construction and other work for which the Agency contracts pursuant to these Policies and Procedures, as listed in Subsection 3.05 and described in Appendix A.

WORKING DAY – A calendar day during which normal construction operations could proceed for a major part of the daylight hours, and specifically excluding Saturdays, Sundays, and those days of the standard work week on which holidays are celebrated.

- D) Annual and Project Specific Prequalification Required. Both Annual prequalification of the Contractor and Project Specific Prequalification of the prospective Design-Builder are required before a request for proposal for a single phase design-build project advertised by the Agency can be issued to a prospective Design-Builder.
- E) Becoming Prequalified. Prequalification status for single phase design-build procurement is achieved by the successful completion of two distinct and separate procedures.
 - 1) Contractor Annual Prequalification. Annual Prequalification is the initial and annual process by which an entity obtains general permission to submit bids for Agency contracts. A prospective Contractor must submit a signed and fully answered Questionnaire for consideration by the Committee. The Committee will use the information submitted in the Questionnaire to establish certain limitations (called ratings and classifications) for the dollar amounts, number of contracts, and the type of work on which a contractor is allowed to bid and be awarded

contracts. Each contractor shall renew this qualification on an annual basis by submitting updated, current information to the Committee.

- 2) Design-Builder Project Specific Prequalification. Project Specific Prequalification is the process by which a Contractor, with current annual prequalification status, and a Designer (Engineering Firm) obtains permission to participate in a particular design-build procurement. To obtain project specific prequalification status, a prospective Design-Builder must submit to the Administrator an acceptable response to the Project Specific Prequalification Solicitation.

The two procedures, Annual and Project Specific Prequalification, while separate and distinct, are often referred to – both collectively and individually – as “Prequalification.”

1.02 AUTHORITY OF THE SECRETARY OF TRANSPORTATION

The Secretary has the authority, pursuant to 19 V.S.A. Sections 7 and 10 to:

- A) Adopt and modify the Policies and Procedures on Prequalification, Bidding, and Award of Contracts;
- B) Appoint members to serve on a Prequalification Committee;
- C) Make exceptions to these Special Provisions when, in their sole discretion, it is determined to be in the best interest of the State;
- D) Resolve all disputes relating to the prequalification of entities; and

1.03 PREQUALIFICATION COMMITTEE COMPOSITION AND ORGANIZATION

- A) Makeup of Prequalification Committee. All members of the Prequalification Committee shall serve at the pleasure and discretion of, and may be removed or replaced as deemed appropriate by the Secretary.

The Secretary has currently designated the following Agency personnel as members of the Committee:

Permanent Members -

- 1) Director of Finance & Administration - Chair
- 2) Chief of Contract Administration
- 3) Director of Program Development
- 4) Construction Engineer
- 5) Construction Services Engineer
- 6) Structures Program Manager
- 7) Materials and Research Engineer
- 8) Highway Safety & Design¹⁻² Engineer

9) Accounting – Senior Accountant

Alternate Members -

With the approval of the Chair, a permanent member may designate an alternate as a long-term alternate or for specific meeting(s). An alternate shall serve in place of the permanent member listed above; an alternate shall serve as a designated alternate as directed or until such time as:

- 1) The designation is rescinded by the designating permanent member with the approval of the Chair,
- 2) The designating permanent committee member leaves the Committee, or
- 3) The alternate changes position within the Agency or is no longer employed in the Agency.

B) Prequalification Administrator. The Administrator will serve as Secretary to the Committee. In his or her absence, a substitute designated by the Chair will assume the Administrator's duties.

C) Committee Meetings. Committee meetings are typically held weekly or more frequently when Committee business requires. Special meetings may be held and/or Committee members may be polled to consider matters requiring immediate action. Polling may be performed personally, via telephone, or via other electronic media. The questions and results of polling will be presented at the next meeting.

1) Quorum. A quorum shall consist of not less than five (5) members, of who at least three (3) shall be permanent or long-term alternate members.

2) Absence of Chair. In the absence of the Chair, the Chair shall designate a substitute to act as Chair. In the absence of a designation, the first listed Permanent Member present in 1.03 (A) above shall act as Chair.

3) Conduct: Meetings shall be conducted in accordance with "Robert's Rules of Order."

D) Meetings Other Than In Person. When deemed appropriate, the Committee may conduct meetings, including interviews or hearings, by telephone, electronic mail, videoconferencing, or other suitable technology; if an entity specifically objects, and time allows, an in person interview or hearing will be conducted.

1.04 FUNCTIONS AND DUTIES OF THE PREQUALIFICATION COMMITTEE

The Committee shall:

- A) Review Prequalification Questionnaires to establish Annual Prequalification and set ratings (both MDCR and NCCR) and work classifications for all entities desiring to bid on Agency construction contracts.
- B) Review responses to project specific prequalification solicitation to determine the prequalification status of prospective Bidders (Design-Builders) for a specific design-build procurement.
- C) Determine a prospective Bidder's (Design-Builder's) qualifications to participate in a specific project procurement when award of a resulting contract will exceed a contractor's rating(s) and/or be outside of a contractor's approved work classification(s).
- D) Meet with Contractors aggrieved by their rating(s)/work classification(s) or a Committee decision denying a prospective Bidder's (Design-Builder's) qualifications to participate in procurement on a specific design-build project, and make a final Committee determination thereon.
- E) Hear all appeals of decisions by the Committee, including the refusal to issue requests for proposals, and the issuance of RFPs to entities determined unqualified for specific design-build projects.
- F) Meet with one or more entities to obtain information or gain insight into industry practices.

1.05 CONFIDENTIALITY OF PREQUALIFICATION COMMITTEE FILES

- A) General. Discussions, records, and files of the Committee concerning financial information provided by an entity are considered confidential, as allowed by 1 V.S.A. Section 317. Any entity or its agent may review its own file.

All information provided by an entity to the Prequalification Committee shall be considered confidential as allowed by 1 V.S.A. Section 317.

- B) Information Available to the Public. All decisions of the Committee, including those relative to ratings and classifications of work, shall be public information; excepted from this provision is specific prequalification when three or fewer entities have been prequalified to participate in a specific procurement.
- C) Agency Use of Prequalification Information. Except for the Agency's administration and review of the prequalification program and other administrative and contractual operations of the Agency, State, or respective

Federal funding Agencies - such as electronic bidding, taxes, and contract claims – no use, reproduction, or disclosure will be made of information contained in prequalification submissions other than with the permission of the entity; except as provided herein, no person with access to an entity's prequalification information shall disclose that information to any other person.

2 CONTRACTORS' EXPERIENCE QUESTIONNAIRE & FINANCIAL STATEMENT

2.01 CONTRACTORS' EXPERIENCE QUESTIONNAIRE & FINANCIAL STATEMENT

- A) Prequalification Questionnaire Required; Financial Statement; Sworn Statement; Use Thereof. Entities requesting Annual Prequalification, whether initial or renewal, must complete the Questionnaire provided by the Agency and must swear thereto before a Notary Public. The information provided will be used to determine the financial ability and the adequacy of plant and equipment, personnel and organizational capabilities, experience, and safety record, and any other issues relative to the entity's prospective performance of Agency contracts. To obtain maximum ratings, an entity's financial statement must be prepared from data secured from an actual audit of the entity's records, and be prepared and certified by an independent CPA.
- B) Unaudited Financial Statement. Submission of a financial statement that is less than fully audited is acceptable, but will limit an entity's MDCR as provided in Section 3.05.
- C) Use of Financial Statements. Financial statements bearing the signature of a CPA may be submitted in lieu of completion of the financial statement in the Questionnaire, provided that all of the information requested in the Questionnaire is in easily recognizable form. The Committee will not be responsible for any misinterpretation it makes of financial information that is in a format different from that provided in the Questionnaire.

2.02 ADDITIONAL INFORMATION

Whenever the Committee is not satisfied with the information contained in a Contractor's Prequalification Questionnaire, it may refuse to furnish the entity an MDCR, an NCCR, work classification(s), and/or proposal form(s) for one or more advertised contracts.

3 ANNUAL PREQUALIFICATION RATINGS AND WORK CLASSIFICATIONS

3.01 SETTING ANNUAL PREQUALIFICATION RATINGS AND WORK CLASSIFICATIONS

Ratings and work classifications are set and may be reset or adjusted, based on an entity's ability to properly finance and perform the work as evidenced by the information in the

Questionnaire, any other pertinent information and data available to the Committee, and an entity's experience on prior or current contracts with the Agency and other awarding authorities. The assigned rating(s) and classification(s) shall include the following components:

- A) Maximum Dollar Capacity Rating (MDCR)
- B) Number of Contracts Capacity Rating (NCCR)
- C) One or more Work Classifications

The Committee may demand or grant a personal interview with an entity prior to setting one or both rating(s) and/or classification(s).

3.02 ANNUAL PREQUALIFICATION DETERMINATION

- A) General. The Committee shall consider a request for Annual Prequalification after the request therefore has been reviewed by the Administrator.
- B) Administrator's Review. The Administrator's review shall consist of an evaluation of the financial condition, personnel, equipment and work history of the requesting entity. The Committee shall determine a Maximum Dollar Capacity Rating (MDCR) in dollar volume of construction for all clients and a Number of Contracts Capacity Rating (NCCR), collectively referred to as "Ratings", that a specific entity may have under construction for all clients at a given time. The Committee shall also establish Work Classifications for each entity granted Annual Prequalification, indicating the type(s) of work for which bid proposals may be issued to each approved entity.
- C) Interview. The Committee may require a personal interview with an entity when considering qualifications for rating(s) and/or work classification(s).
- D) Inactive Bidder List. An entity that applies for Annual Prequalification and has not submitted a bid to the Agency for an advertised contract within two years of the date the application is received will be placed on an inactive bidder list. Review of such an application and supporting materials by the Committee may not be made until the entity requests Project Specific Prequalification. An entity on the inactive bidder list will be given a Contract by Contract Rating (CCR) in lieu of a Number of Contracts Capacity Rating (NCCR).

3.03 TIME OF FILING

- A) Minimum of Annual Filing; Committee Demand. The Questionnaire shall be filed with the Agency at least annually, subject to the right of the Prequalification Committee to request additional information from a contractor at any time.

- B) Expiration of Annual Prequalification. Annual Prequalification expires one (1) year from the date of the end of the contractor's fiscal year included in the financial statement provided to the Committee; however, under Subsection 3.07, an entity shall have four (4) months from the end of its fiscal year to renew its Annual Prequalification. The information in a Questionnaire will not be considered current if any of the information in the financial portion is more than sixteen (16) months old.

- C) Most Recent Fiscal Year; Changes in Financial Condition. The financial information submitted in an entity's Questionnaire shall be as of the end of the entity's latest fiscal year. Financial Ratio analysis is used to assess potential risk to the Agency and any "going-concern" issues for which additional information may be requested. Any substantial change in the financial (health) condition of the entity between the date of the financial statement and the date of filing the Questionnaire shall be indicated and an explanation thereof provided. All other information provided in the Questionnaire shall be as of the date of filing.

3.04 TIME LIMITATION FOR SUBMITTING ANNUAL PREQUALIFICATION QUESTIONNAIRE AND REQUEST

All requests for Contractor Annual Prequalification, or renewals thereof, and Questionnaires in support thereof shall be submitted to the Administrator no later than the date for which responses to the project specific prequalification solicitations are due. The date is defined in the project specification prequalification solicitation.

3.05 RATINGS AND CLASSIFICATIONS

- A) Maximum Dollar Capacity Rating (MDCR)
 - 1) Use. The MDCR is used to determine eligibility for issuance of proposals. The MDCR is set by the Committee. Generally, the value of a contract will be evenly divided over the number of construction seasons, or fractions of construction seasons, the contract is expected to take for construction. (NOTE: For purposes of this subsection, the construction season shall be considered to be April 15 to December 1, inclusive, of a given year.)

2) Explanation; Computation; Limits.

a) The MDCR is based on the following factors:

1. The average ratio of total revenues to total assets over the most recent five (5) year period; and
2. The Adjustment Factor as provided in the table below for the type of financial information provided.

MDCR INFORMATION, ADJUSTMENT FACTOR, & LIMIT TABLE

TYPE OF FINANCIAL INFORMATION PROVIDED	ADJUSTMENT FACTOR	MDCR LIMIT
In-house or Compiled Financial Information	70% of calculated value	\$2,000,000
Reviewed Financial Statement	85% of calculated value	\$4,000,000
Fully Audited Financial Statement	100% of calculated value	N/A

b) The MDCR for a contractor is determined by multiplying the appropriate adjustment factor immediately above by the most recent year's total assets, subject to the limits as shown in the table above for the type of information provided and the Committee's judgment from considering the indicators in (c) below.

c) The following indicators may also be considered by the Committee in setting an entity's MDCR:

1. The ratio between all current assets and all current liabilities (current ratio); and/or
2. The ratio between capital invested by owners and funds provided by lenders (i.e., debt to equity ratio.)

3) Per Contract Maximum Dollar Rating (PCMDR). The Committee may also set a PCMDR for a contractor. A PCMDR will be equal to or less than the total MDCR of a contractor.

- 4.) Resetting or Adjusting MDCR and/or PCMDR. The Committee may reset or adjust a contractor's MDCR and/or PCMDR based on performance for the Agency and/or other awarding authorities, interim or contract completion evaluations, claims history, and any other pertinent information and data available. The Committee may re-evaluate and change a contractor's rating(s) and/or work classification(s) whenever it is in the best interest of the State to take such action for one or more of the reasons outlined in subsection 4.01.
 - 5.) Compiled, Reviewed, or Fully Audited Financial Statements. Compiled, reviewed, and fully-audited financial statements must be prepared and certified by an independent CPA.
 - 6.) Limited MDCR. The Committee may establish a limited MDCR for a contractor. A limited MDCR will be equal to or less than the contractor's total MDCR, and will be applicable for one or more specific work classifications on which a contractor is approved to bid.
- B) Number of Contracts Capacity Rating (NCCR)
- 1) Use. The NCCR is used to determine eligibility for issuance of proposals. The NCCR is set by the Committee. Generally, this rating is set based on the number of qualified supervisory personnel the contractor has and the number of projects constructed in a given year as shown in the Questionnaire and other information available to the Committee.
 - 2) Contract by Contract Rating In Lieu of an NCCR. The Committee may assign a contractor a Contract by Contract Rating (CCR) instead of an NCCR; a CCR may be assigned to a contractor that has:
 - a) Not recently performed work for the Agency; and/or
 - b) In the judgment of the Committee, financial and/or management issues that warrant a CCR rating; and/or
 - c) In the judgment of the Committee, performance issues and/or workload that warrants a CCR rating.
 - 3) Guidance to Administrator. For each contractor assigned a CCR rating, the Committee may issue guidance to the Administrator as to the issuance of proposals during the period covered by the contractor's Annual Prequalification.

C) Work Classification(s)

- 1) What It Is. Work Classifications are the types of construction for which a contractor is determined to be qualified to bid. Work classifications will be given for any one or a combination of the following types of work:

<u>Code</u>	<u>Description</u>
AIR	Airport Construction
BC	Building Construction
BD	Building Demolition
BMP	Bridge Membrane/Paving ¹⁻³
BRC	Bridge Construction
BRP	Bridge Painting
BRR	Bridge Rehabilitation
BTP	Bicycle and/or Pedestrian (Transportation) Path
CBRC*	Covered Bridge New Construction*
CBRR*	Covered Bridge Rehabilitation*
CS	Crack Sealing/Pavement Maintenance
D	Drainage (Culverts, Underdrain, DI/CB Rehabilitation, Other)
G	Guardrail, Fencing & Signs
H	Hazardous Material Removal
L	Landscaping
P&R	Park & Ride Lot
PM	Pavement Markings
R	Road and Highway (New Construction and Reconstruction on Alignment)
RBRR	Railroad Bridge Rehabilitation
RHC	Railroad/Highway Crossing
RR	Railroads
RWS	Roadway Safety (Interstate Safety Projects and 3R Projects except when paving comprises majority of work in terms of dollars)
SR	Surface Rehabilitation-BCP (Bituminous Concrete Overlays, Reclaimed Stabilized Base, Other)
SW	Curb and Sidewalk
TS	Traffic Signals & Lighting
W	Wells
Not applicable	Other

* Contractors seeking Prequalification in these Classifications will additionally be required to submit a TIMBER COVERED BRIDGE PREQUALIFICATION QUESTIONNAIRE.¹⁻⁴

General descriptions of the Work Classifications can be found in Appendix A.

- 2) When a contract could be classified using more than one Work Classification and the Agency has chosen to advertise using a single classification:
 - a) Contractors prequalified for one of the applicable classifications may request prequalification to bid on the contract, subject to all other prequalification requirements, and
 - b) Subcontractors may be required to be prequalified to perform the work for which they propose to subcontract.

3.06 NOTIFICATION BY COMMITTEE OF ANNUAL PREQUALIFICATION STATUS

The Committee will notify each applicant of its Annual Prequalification status, whether initial or a renewal, including its MDCR, NCCR, or lesser ratings as appropriate, and Work Classification(s).

3.07 EXPIRATION AND RENEWAL OF ANNUAL PREQUALIFICATION

- A) Expiration of Annual Prequalification. Annual Prequalification expires one (1) year from the date of the end of the contractor's fiscal year included in the financial statement provided to the Committee. Contractors will be notified in writing of the date their respective renewal periods begin.
- B) Renewal Period Duration. A contractor shall automatically have four (4) months from the end of its fiscal year to renew its Annual Prequalification. No extension of time beyond the four (4) months will be given to any entity.
- C) Renewal Period Restrictions. During the renewal period the Committee will not consider requests to exceed the ratings or classifications of an expired Annual Prequalification or hear requests for revision or appeals of expired ratings or classifications.
- D) Removal of Contractor's Name from Lists. A contractor's name will be removed from the Agency's list of prequalified bidders four (4) months after expiration of the contractor's Annual Prequalification. A contractor's name will be restored to the list of prequalified bidders if Annual Prequalification is renewed.

3.08 REVISION OF RATINGS AND CLASSIFICATIONS

- A) General. Except as otherwise provided, requests for revision of a rating(s) or work classification will be considered at any time provided information is submitted showing changed assets, equipment, supervisory personnel, and/or ability to perform work.
- B) Timing. To ensure consideration by the Committee for a particular procurement, requests and all information must be submitted no later than the date for which responses to the project specific prequalification solicitations are due. The date is defined in the project specification prequalification solicitation.
- C) Disclaimer. Timely filing of a rating and/or work classification revision request does not guarantee that a contractor will be allowed to bid on a specific contract, or even that the request will be considered by the Committee prior to a specific bid opening. Therefore, the Agency urges that any request for such revisions be filed as soon as possible, but no later than the date for which responses to the project specific prequalification solicitations are due. The date is defined in the project specification prequalification solicitation.
- D) Effect on Bid Process. A request for revision of rating(s) and/or work classification(s), like the Annual Prequalification process, is separate and distinct from the bidding process and will neither affect nor stay the procurement process for any advertised contract(s).
- E) Notice of Substantial Changes. Every entity shall immediately notify the Administrator of any substantial changes in the financial condition, qualified supervisory personnel, ownership, or organization of the entity. Failure to do so may result in reductions of ratings/classifications, suspension from bidding, debarment, or a combination of these actions for a period to be determined by the Committee.

3.09 ANNUAL PREQUALIFICATION OF SUBSIDIARY AND AFFILIATED COMPANIES

Subject to the following requirements, Annual Prequalification may be established for parent and a subsidiary company or companies:

- A) A parent and subsidiary company shall be considered as independent entities for which ratings and work classifications will be set on the basis of each company's own, independent financial assets, equipment, personnel, and experience.

- B) The respective Questionnaires for separate parent and subsidiary companies shall include assets, experience, personnel, and other information concerning only the specific parent or subsidiary company. Unless requested by the Committee during its review of a company's qualifications, information concerning affiliated companies will not be considered by the Committee.
- C) If one or more ratings and/or relevant work classifications are set for an entity using financial, experience, personnel, and/or equipment resources of an affiliated entity, the affiliated entity shall also be fully responsible for the contract(s) entered into by the entity benefited thereby.

4 DENIAL, REDUCTION, OR REVOCATION OF ANNUAL PREQUALIFICATION RATINGS AND/OR WORK CLASSIFICATIONS

4.01 GROUNDS FOR DENIAL, REDUCTION, OR REVOCATION OF RATINGS AND WORK CLASSIFICATIONS

Any of the following shall be sufficient grounds for denial, reduction, or revocation of the Annual Prequalification rating(s) and/or work classifications of a contractor:

- A) More than one (1) bid submitted for the same contract from an entity under the same or different names.
- B) Evidence of collusion with another contractor.
- C) Less than satisfactory performance on work for the Agency. Unsatisfactory performance shall include, but not be limited to, lack of timeliness in performing work, inferior or inadequate quality of work performed or materials provided, and/or violations of terms of a contract.
- D) Uncompleted work in progress which may be further delayed or which may hinder or prevent the timely completion of additional work if awarded.
- E) Deceptive, evasive, or untrue statements on the Prequalification Questionnaire, including any attachments; at any hearing before or meeting with the Committee; on a Request for Proposal form; or any other submission to the Agency in support of a contractor's Annual Prequalification or Project Specific Prequalification.
- F) Unreasonable refusal to settle damage claims on an Agency contract.
- G) Refusal or inability to pay, or to pay in a timely manner, all reasonable bills for labor, materials, and/or taxes on an Agency contract in a timely manner, pursuant to 9 V. S. A Chapter 102, the "Prompt Pay Act."

- H) Unreasonable refusal to resolve outstanding issues concerning Agency contracts.
- I) Failure to satisfy one (1) or more judgments relating to Agency contracts.
- J) Failure to advise the Committee immediately of substantial changes in the financial condition, ownership, supervisory personnel, obligations, safety record, or organization of the entity.
- K) Failure to provide information requested by the Committee within five (5) working days of the request.
- L) Other pertinent legal problems of the contractor, including but not limited to, suspension or debarment by another state or the federal government.
- M) Failure to meet the criteria for bidding as set out in these Policies and Procedures and as may otherwise be adopted by the Agency.
- N) Safety violation citations under the Vermont Occupational Safety and Health Act, the U.S. Occupational Safety and Health Act, or similar acts in other states.
- O) Failure to correct safety violations or infractions.
- P) Safety violations or infractions resulting in injury or death.
- Q) Insolvency, bankruptcy, or commission of an act of insolvency or bankruptcy.
- R) Current suspension, debarment, or voluntary exclusion under 49 Code of Federal Regulations (CFR) CFR Part 29, or other determination of ineligibility.

5 PROJECT SPECIFIC PREQUALIFICATION

5.01 PROJECT SPECIFIC PREQUALIFICATION DESCRIPTION AND PROCEDURE

Project Specific Prequalification status is achieved when a prospective Design-Builder receives notice of prequalification for participation in specific design-build procurement.

Project Specific prequalification will be required to participate in a single phase design-build procurement. Project specification prequalification will include the following:

- 1) Evaluation of a prospective Design-Builder's written response to the Project Specific Prequalification Solicitation.
- 2) A comparison of a) the estimated dollar value of the design-build contract, combined with the dollar value of all work for all clients which the Contactor is obligated to perform at the time of the contract; and b) the contractor's MDCR.

- 3) A comparison of a) the Contractor's number of current projects under contract; and b) the Contractor's NCCR.
- 4) A comparison of a) the design-build project scope of work; and b) the work classification for which the Contractor has been qualified to perform work.

5.02 TIME LIMITATION FOR SUBMITTING REQUEST FOR PROJECT SPECIFIC PREQUALIFICATION

- A) Deadline for Consideration. A request for Project Specific Prequalification must be submitted no later than the date defined in the Project Specific Prequalification Solicitation; failure to do so will result in the request not being considered.
- B) Exception to Deadline. With the approval of the Committee, the Chief of Contract Administration may grant an exception to the provision in subparagraph A) above if, in the Committee's judgment, it is in the best interest of the State and adequate time is available to complete the Project Specific Prequalification process.
- C) Entities Without Annual Prequalification Status. Following the notification of prequalification list, entities that do not have current Annual Prequalification Status for whatever reason, including those seeking Annual Prequalification for the first time and contractors whose annual renewal period has expired, will not be issued an RFP.

5.03 DETERMINATION OF PREQUALIFICATION

The following shall apply to determining a Design-Builder's prequalification status for a specific single phase design-build procurements advertised by the Agency:

- A) A response to a Project Specific Prequalification Solicitation must include a written response addressing all requirements of the Project Specific Prequalification Solicitation.
- B) A Design-Builder will be determined to be prequalified for a specific procurement only if:
 - 1) The Contractor has current Annual Prequalification status, or
 - 2) The Contractor is in the renewal period for Annual Prequalification, and
 - 3) The Contractor has not exceeded either its MDCR or NCCR, and will not likely do so if it is the low bidder on the specific contract, and

- 4) The Contractor is considered qualified to participate by virtue of its approved work classification(s), and
 - 5) The Design-Builder has successfully and satisfactorily responded to all requirements included in the Project Specific Prequalification Solicitation in the opinion of the prequalification committee.
- C) When deciding the prequalification status of a prospective Design-Builder, the Administrator and prequalification committee shall consider the current volume, degree of completion, and rate of progress of uncompleted work under contract in relation to the Contractor's MDCR and NCCR, and whether the Contractor is approved for the specific work classification(s) required for the contract.
 - D) Notwithstanding any other provision of these Special Provisions, the Agency, acting through the Prequalification Committee, reserves the right to determine that a prospective Design-Builder is not qualified to participate in a specific design-build project procurement when, in the opinion of the Agency, circumstances, developments, and/or events have changed the capacity(ies) or qualification(s) of the prospective Design-Builder to successfully perform pursuant to the proposed contract.
 - E) When questions or issues arise concerning a prospective Design-Builder's performance, personnel, workload, capacity(ies), or ability to successfully perform the work required pursuant to the proposed contract, the Committee may require a personal interview with the prospective Design-Builder prior to deciding whether to issue a proposal.
 - F) When a prospective Contractor's dollar amount of uncompleted work for the State of Vermont and all other entities added to the Agency's estimate of the dollar amount of the specific Design-Build Project exceeds the MDCR of the prospective Contractor, a Contractor will be determined to be eligible for project specific prequalification only with the specific authorization of the Committee.
 - G) When the addition of the contract to the number of contracts already under contract to the prospective Contractor will exceed the prospective Contractor's NCCR, a Contractor will be determined to be eligible for project specific prequalification only with the specific authorization of the Committee.
 - H) If provided documentation that a prospective Design-Builder is not making satisfactory progress on, is performing unacceptable work on, and/or is otherwise not in compliance with the terms of a current contract, the Administrator and or Committee may refuse to determine that a prospective Design-Builder is prequalified.

- l) Both a parent company and one or more of its subsidiaries can be determined to be prequalified for the same project; but both may not submit a proposal.

5.04 DOLLAR VALUE OF EACH PROJECT CONTRACT; ENGINEER'S ESTIMATE

The Agency's engineer's estimate of the project contract cost will be the value used to determine the prequalification eligibility of a potential Contractor.

5.05 TWO OR MORE PROPOSALS IN EXCESS OF RATING(S)

A) General.

- 1) A prospective Contractor wishing to submit bids/propose for two (2) or more contracts/Design-Build Projects, any one (or more) of which is (are) within the limit of that prospective Contractor's current MDCR and/or its NCCR, but which together exceed the prospective Contractor's current MDCR and/or NCCR, may do so; but if the prospective Contractor is the apparent low bidder/best value on the earlier(est) project procurement, the remaining bid(s)/price proposals will be returned unopened.
- 2) A prospective Contractor wishing to submit bids/proposals for two (2) or more contracts/Design-Build Projects which are concurrently being advertised, but have different scheduled bid/price proposal opening dates, any one (or more) of which is (are) within the limit of that prospective Contractor's current MDCR and/or NCCR, but which together exceed one or both of the Contractor's current ratings, may do so; but if the prospective Contractor is the apparent low bid/best value on the earlier(est) project procurement, the remaining bid(s)/price proposals will be returned unopened.
- 3) A prospective Design-Builder agrees to hold the Agency harmless for project specific prequalification responses returned to the prospective Design-Builder.

B) Exceptions

- 1) The Committee may grant an exception to A)1) and A)2) directly above when in its judgment such action is in the best interest of the Agency.
- 2) The Committee may grant a special request by a Contractor to be eligible for project specific prequalification when the Contractor's MDCR or NCCR limit would be exceeded, or when requesting to participate in procurement generally, or on a specific contract, for one or more additional classifications.

5.06 JOINT VENTURE PREQUALIFICATION

- A) General. Two or more entities may combine all or a portion of their assets, equipment, personnel, and experience for the purpose of participating in procurement of a single Agency Design-Build Project by filing a written request and executing a joint affidavit setting forth their desire to obtain Project Specific Prequalification as a Joint Venture for a specific project.
- B) Necessary Information. In addition to the other requirements identified in these Special Provisions, all Joint Venture requests must be in writing and must include the following information:
- 1) The name of the Joint Venture as registered with the Vermont Secretary of State. This must match the information provided in obtaining a tax identification number.
 - 2) The tax identification number of the Joint Venture obtained in accordance with the requirements of the United States Internal Revenue Service (I.R.S.).
 - 3) The mailing address, street address, and telephone number of the Joint Venture, matching the information provided to the I.R.S. and the Secretary of State.
 - 4) A copy of the agreement forming the Joint Venture.
 - 5) The name(s) of the individual(s) with authority to sign contracts and obligate the Joint Venture and a copy(ies) of the power(s)-of-attorney for the designated individual(s).
 - 6) A statement of the percentage of the dollar value of the contract that is to be attributed to each member of the joint venture. The resulting value will be applied to the MDCR of each member of the joint venture for this and, if the procurement is successful, future proposal/prequalification requests. Once the joint venture request is approved by the Committee, the percentage cannot be changed.

Failure to provide the percent of value distribution in the request will result in the entire dollar value of the contract being charged against the MDCR of each of the entities at all appropriate times for all MDCR purposes.
 - 7) A designation of the lead entity and an outline of the responsibility of each member entity in the performance of the contract work.

- 8) The names and resumes of the qualified supervisory personnel for the Design-Build Project and a general outline of the plan for construction of the project(s).
 - 9) A description of the work to be self-performed by the Joint Venture entity and the work that is expected to be subcontracted.
 - 10) A plan by each joint venture member entity as to how it plans to complete all work which it is obligated to perform at the time of the request.
- C) Work Classifications and MDCR of a Joint Venture. The members of a joint venture may combine their work classifications. The MDCR of a Joint Venture shall be the arithmetic sum of the MDCR's of the members minus the dollar value of all other work for all clients that the members are currently obligated to perform, both individually and as a part of joint ventures.
 - D) Filing Time. A request for joint venture prequalification for a specific project must be received by the Agency no later than the date for which the responses to the project specific prequalification solicitation are due. The date is defined in the Project Specification Prequalification Solicitation.
 - F) Prequalification Questionnaire Required If All Members Do Not Have Annual Prequalification. If one or more of the members of a requested Joint Venture do not have current Annual Prequalification and/or are not within the annual renewal period thereof, the request shall include a fully completed Prequalification Questionnaire complete with all necessary information for each member not having Annual Prequalification.

6 APPEALS; HEARINGS

6.01 REQUEST FOR HEARING

An entity aggrieved by an Administrator or Committee decision concerning its Annual or Project Specific Prequalification or that has been otherwise limited by a decision of the Administrator or Committee, may request in writing a hearing before the Committee. Any such hearing request must be received within five (5) working days of the Agency's electronic posting of the prequalified list of design-builders. The Committee shall endeavor to hold a hearing within five (5) working days of receipt of the request.

6.02 ENTITY'S DUTY AT HEARING

The entity requesting a hearing shall be prepared to present, as needed, evidence or clarification of financial responsibility, personnel, organization, plant and equipment, and/or experience to justify a revision of the Administrator's or the Committee's decision. The Committee shall endeavor to issue a written decision within five (5) working days following a hearing.

6.03 APPEAL; TIME TO APPEAL

An entity that is aggrieved by the action of the Committee pursuant to Paragraph 6.01 may appeal in writing to the Secretary of Transportation within five (5) working days of receipt of the Committee's action. The Secretary shall endeavor to render a decision within ten (10) working days of receipt of an appeal. The Secretary may appoint a hearing officer to hear such appeals.

6.04 APPEAL DOES NOT AFFECT COMMITTEE ACTION

A Committee action shall be in effect unless and until it is overturned on appeal or changed by later action of the Committee. Appeals are independent from and shall neither affect nor stay the procurement process of any advertised design-build project.

6.05 APPEALS FROM ADMINISTRATOR DECISIONS

An entity aggrieved by a decision of the Administrator shall verbally notify the Administrator of its intention to appeal. The entity shall then appeal to the Committee in writing within two (2) working days of receipt of the verbal notice. The appeals procedure in 6.01 through 6.04 above will be followed, except the time limits to appeal shall be two (2) working days instead of five (5).

6.06 FAILURE TO FILE A WRITTEN APPEAL AFTER NOTICE

Failure to file a written appeal within the required time after providing verbal notice will result in the Administrator's decision remaining in effect. A contractor may still request a rating or work classification change.

6.07 RATING OR CLASSIFICATION CHANGES ON APPEAL; WHEN EFFECTIVE

A rating or work classification change resulting from an appeal shall take effect no sooner than ten (10) working days subsequent to the date the request thereof was received by the Committee.

7 MODIFICATIONS AND EXCEPTIONS

7.01 SECRETARY'S AUTHORITY TO MODIFY POLICIES AND PROCEDURES.

The Secretary has authority to modify these Special Provisions and substantive requirements pertaining to the project specific prequalification for single phase design-build procurement through the adoption of revisions to these Special Provisions, the VTrans Standard Specifications for Construction, and other contract documents.

7.02 SECRETARY'S AUTHORITY TO GRANT EXCEPTIONS

The Secretary has authority to grant exceptions to these Special Provisions when, in his/her sole discretion, it is determined to be in the best interest of the State.

APPENDIX A - GENERAL DESCRIPTION OF WORK CLASSIFICATIONS

All classifications include a requirement that the contractor provide all necessary labor, equipment, materials, and, when required, engineering personnel and equipment for layout.

Airport Construction – This work shall consist of clearing, draining, excavating, filling, grading, installing ordinary drainage structures, and associated earthwork for the construction of runways, taxiways, parking areas, buildings, and safety zones at airports. It may also include the installation of lighting systems, fencing, automated weather stations, and various electrical appurtenances.

Bicycle and/or Pedestrian Path - This work shall consist of clearing, draining, excavating, filling, grading, installing ordinary drainage structures, and associated earthwork for the construction of bicycle and/or pedestrian paths.

Bridge Construction – This work shall consist of furnishing and constructing any non-wooden structure (whether single or multiple span), including supports, which spans over a depression or obstruction such as water, highway, or railway and has a track or passageway for carrying traffic (either pedestrian or mechanized or both) or other moving loads and has a clear span of more than 6 feet. The measurement of clear span shall be made along the center of the track or passageway between the faces of the abutments or the springlines of arches or the extreme ends of openings for multiple boxes, and may include multiple pipes where the clear distance between openings is less than 50% of the diameter of an individual pipe opening. This work also shall include some minimal approach construction, and possibly some channel work.

Bridge Membrane/Paving – This work shall consist of removing and replacing bridge pavement and membranes and, where called for, the repair of the structure to a complete, safe, and functioning structure. This work may also include minimal approach construction, bridge joint and deck repair work .¹⁻¹⁴

Bridge Painting – This work shall consist of cleaning, proper disposal, and painting wooden and/or structural steel surfaces, or other designated surfaces, on existing bridges or other structures without endangering the health, life, or property of the workers or the public.

Bridge Rehabilitation – This work shall consist of removing and disposing of all, or part, of an existing structure without endangering the health, life, or property of the workers or the public and, where called for, the replacement or/and repair of the structure to a complete, safe, and functioning structure. This work may also include some minimal approach construction, and possibly some channel work.

Building Construction – This work shall consist of the general construction of buildings, to include all framing and erection work, electrical work, utilities, site work, and all other incidentals relating to the construction of buildings.

Building Demolition – This work shall consist of the complete demolition of specific structures, proper disposal of the materials, recycling of appropriate materials, cleanup of the site, ground restoration, and the establishment of vegetation.

Covered Bridge New Construction – This work shall consist of furnishing the materials to construct a wooden covered bridge and all other work necessary to provide a complete, safe, and functioning structure. This work also shall include some minimal approach construction, and possibly some channel work.

Covered Bridge Rehabilitation - This work shall consist of furnishing the materials to construct a wooden decked or covered bridge or removing damaged or decayed components from an existing wooden bridge, repairing them if possible, or disposing of them and replacing them with new components, as well as all other work necessary to provide a complete, safe, and functioning structure. This work may also include some minimal approach construction, and possibly some channel work.

Crack Sealing/Pavement Maintenance – This work shall consist of sealing specified cracks in roadway pavements, installing asphaltic bridge expansion joints, patching holes in pavements, and/or placing liquid bituminous overlays and cover materials.

Curb & Sidewalk – This work shall consist of the construction of bituminous and concrete curbs and sidewalks.

Drainage – This work shall consist of excavating, installing pipes, backfilling, and any necessary grading and incidentals necessary to complete the work.

Guardrail, Fencing, and Signs – This work shall consist of furnishing, installing, resetting, and/or rehabilitating guardrail, bridge rail, rail end treatments, impact attenuators, fencing of any kind, fence corners, fence bracing, sign posts, sign structures, and/or signs of any type or construction at any location except at airports.

Hazardous Material Removal– This work shall consist of removing asbestos, lead paint, petroleum contaminated materials and/or soils, leaking or abandoned fuel or storage tanks and other designated health hazards or environmental contaminants; proper disposition of the removed materials and debris; and/or restoration of the landscape or surfaces from which contaminants were removed. The contractor shall have the services of an expert in the field of the removed item(s) on hand at all times while the work is being performed.

Landscaping – This work shall consist of furnishing and planting trees, shrubs, vines, ground covers, flowers, and/or grass, preparing seed or planting sites, fertilizing, mowing, placing topsoil, spreading soil amendments, tilling, mulching seeded areas, placing erosion prevention and sediment control items such as erosion matting, using chemicals or other means to remove or regulate plant growth, and watering when necessary.

Park & Ride Lot - This work shall consist of clearing, draining, excavating, filling, grading, installing ordinary drainage structures, placing base courses, and associated earthwork for the construction of a park and ride parking lot.

Pavement Markings –This work shall consist of furnishing and placing temporary and/or permanent pavement markings using paint, durables, or other specified materials or the removal of such existing markings when required.

Railroad Bridge Rehabilitation – This work shall consist of removing and disposing of all, or part, of an existing structure without endangering the health, life, or property of the workers, the railroad, or the public and, where called for, the replacement and/or repair of the structure to a complete, safe, and functioning structure.

Railroad/Highway Crossing – This work shall consist of furnishing and installing or rehabilitating existing railroad signal systems such as crossing warning signals, electronic switch warnings, communications systems, etc.

Railroads – This work shall consist of furnishing and installing ballast, ties, gauge rods, bumpers, rail-highway crossing, switches and other roadbed components of a railway system complete with all ordinary drainage, earthwork, and grading and other related work and/or the rehabilitation of all or parts of an existing railroad roadbed.

Road and Highway (New Construction and Reconstruction on Alignment) - This work shall consist of clearing, draining, excavating, filling, grading, installing ordinary drainage structures, placing base courses, and associated earthwork for the construction of roadways, streets, parking areas, and buildings. Ordinary drainage is a structure, enclosed on all sides for the purpose of containing and directing the flow of water, which has a maximum clear span of less than 20 feet, measured as set out above under Bridges.

Roadway Safety – This work may consist of the sign installation, guardrail upgrades, various bridge work, various roadway reconstruction efforts, and any other items that may be directly related to safety.

Surface Rehabilitation – This work shall consist of either patching and/or demolishing existing concrete roadway surfaces, replacing the removed material with new concrete, and, if necessary, grinding the surfaces to give a smooth ride or patching, crack sealing, or cold planing existing bituminous roadway surfaces and repaving the cold planed surfaces with new bituminous concrete as well as all other work necessary to provide a smooth, complete, and safe paved surface.

Traffic Signals & Lighting – This work shall consist of furnishing and installing the components to construct and/or reconstruct traffic control systems, lighting systems, beacon systems, and sign illumination systems at single or multiple locations including, but not limited to, signal poles, mast arms, pole foundations, signal controllers and housings, detectors, conduit, interconnection systems (both hard wired and transmitter), computer monitor systems, luminaries, and/or repairing existing fire alarm, telephone, or electricity systems, if required. The contractor shall have proper licenses on project for such work.

Wells – This work shall consist of the drilling, installation of sleeves, installation of pump, necessary wiring, and testing as necessary.

Other – This category is reserved for any other work that may be advertised by the Agency and does not fit the Classifications as outlined above.