

**Transylvania County, North Carolina**  
**Prequalification Policy**

**Purpose**

In accordance with NC General Statute 143-135.8, Transylvania County, (hereinafter the "County"), hereby adopts the following Prequalification Policy to prequalify individual contractors to bid on construction and repair projects when the County believes prequalification is preferred. Prequalification is defined under G.S. 143-38.8(f)(2) as "(a) process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work."

Prequalification is prohibited unless all requirements below are met (G.S. 143-135.8(b)):

- (a) Using one of the construction methods authorized in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3)(single-prime, separate-prime or dual bidding).
- (b) The governing body adopts an objective prequalification policy applicable to all construction or repair work. The policy must be adopted prior to advertising the contract for which the governmental entity intends to prequalify bidders.
- (c) The owner adopts the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for the prequalification on that project.

The Construction Manager at Risk shall use the process outlined in this policy for the prequalification of contractors on Construction Manager at Risk projects.

**Application**

Firms who desire to bid on County projects requiring prequalification must complete an approved form of application by the deadlines established in the solicitation. An example of an approved form of application that may be used by the County is an AIA Contractor's Qualification Statement, AIA Document A305. Transylvania County may also use a separate, project-specific approved form of application when necessary.

**Review of Application**

1. Prequalification Committee - The County shall establish a committee to review prequalification applications submitted by contracting firms ("Prequalification Committee"). The County's Prequalification Committee will review all information to determine the firm's prequalification eligibility for the project.

2. Review of Applications – The County's Prequalification Committee shall use an objective assessment process for review of the prequalification application. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the County. The prequalification criteria used by the Prequalification Committee shall include prequalification scoring values and the minimum required score to be prequalified for the project. The County's Prequalification

Committee shall approve or deny the Applications in accordance with the prequalification criteria and scoring system.

3. Notice of Decision – The firms shall be promptly notified of Transylvania County’s Prequalification Committee’s decision in writing, including the reason for denial. All notifications in writing shall be made either via email or first class US mail. Notice shall be provided prior to the opening of bids for the project with sufficient time for a firm to appeal a denial of prequalification and to submit a bid.

**Protest Procedure**

A firm which is denied prequalification may protest the Prequalification Committee's decision by filing a written protest to the County Manager, unless otherwise designated, within three (3) business days of receiving the notice that the firm has been denied prequalification. The County Manager and Purchasing Agent or designees will review the written protest and notify the firm within five (5) business days of their decision. If upon review, that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the denial is upheld, the firm shall be notified in writing via email or first class US mail. All protest review decisions are final.

Approved by Transylvania County Board of Commissioners: 6/26/2017