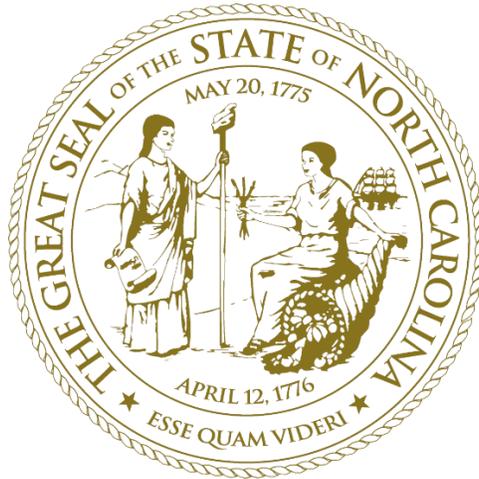


POLICY AND PROCEDURE MANUAL



DEPARTMENT OF TRANSPORTATION CONTRACT STANDARDS AND DEVELOPMENT UNIT

Proposals and Contracts Management
Plans and Standards Management
Estimating Management
Contractual Services Management
Records and Documents Management

Approved for Implementation

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Table of Contents

PRELIMINARY ESTIMATES	3
PLAN REVIEW	6
PROPOSAL PREPARATION	7
CONTRACT TIME	11
ENGINEER’S ESTIMATE	13
PROJECT ADVERTISEMENT	17
BID RECEIPT AND OPENING	19
PREQUALIFICATION	23

Appendix

APPENDIX A – CONTRACT TIME GUIDELINES.....	25
APPENDIX B – PREQUALIFICATION PROCEDURES.....	36
APPENDIX C – PROPRIETARY PROCEDURES.....	63
APPENDIX D – GOAL SETTING COMMITTEE	72
APPENDIX E – BID REVIEW COMMITTEE	73
APPENDIX F – CONSTRUCTION BID PROTEST PROCESS	75
APPENDIX G – GOAL COMPLAINCE COMMITTEE.....	77

OVERVIEW OF THE CONTRACT STANDARDS AND DEVELOPMENT UNIT

The Contract Standards and Development Unit is responsible for the development of advertisement materials for construction projects, the taking of bids and the award of projects to responsible contractors. Such charges include creation and maintenance of special project provisions, the Standard Specifications for Roads and Structures, and the partnering Standard Drawings, prequalification of contractors, subcontractors and consultants, and determination of contract time.

PRELIMINARY ESTIMATES

PURPOSE:

Provide construction cost estimates for projects at various stages including Feasibility Study, Functional, Preliminary, ROW and Final estimates. These estimates are used for planning and budgeting purposes to determine what projects can go into the STIP and the timeline needed for letting and constructing the projects.

RESPONSIBILITY:

The Preliminary Estimates Section (PES) is responsible for producing cost estimates for TIP, Design Build, DPOC, Feasibility Study and other types of projects. These estimates are used for planning and budgeting to ensure proper funding and let dates can be established ahead of advertising and awarding the project. Preliminary Estimating falls under the Estimating Management Section.

PROCEDURES:

There are multiple preliminary cost estimates for a project depending on where the project is on the scheduled let list, the current design stage of the project and who may be asking for the cost (i.e. Roadway Design, Feasibility Studies Unit, PDEA, Consultant Design Firms, Division Engineers, DDC Office staff, Regional Traffic Engineers).

The estimates produced by the PES use factors on estimates to account for items and quantities that may not be represented at the current design stage in the estimate. These factors are known as Miscellaneous and Mobilization factors and they vary throughout the life of a project depending on what stage of design the project is currently in. The following are commonly used factors for various stages of design:

<u>Design Stage</u>	<u>Misc & Mob (Roadway)</u>	<u>Misc & Mob (Structures)</u>
Feasibility Study	55%	15%
Functional Stage	45%	15%
Preliminary Stage	35%	10%
ROW Stage	25%	10%
Final	15%	5%

The preliminary estimate is compiled using information that is available at the time including overhead maps, site visits, verbal descriptions, hand drawings, microstation files, roadway plans and quantities, etc. Many times there are no plans or quantities available and Preliminary Estimates staff will use their best judgement to create a reasonable set of quantities in order to develop a construction cost.

Construction costs are determined using all available Roadway and Structure pay items and then applying unit costs to each pay item in the estimate. The unit costs vary based on a price-quantity relationship and also vary depending on the type and location of the project being estimated. Several resources are used to determine the best unit cost for an item including yearly bid averages, price-quantity curves and historical data queries in BW.

Project estimates are updated as often as requested based on design changes, alternate options, scope change, etc, but they should also be updated a minimum of once every two years even if no changes have occurred during that time. This allows for more accurate planning of cash flow and project letting schedules.

All cost estimates are updated again 14 months from the anticipated let date for all projects under consideration for the 13-month let list. A list of these updated estimates is then sent out to ensure that the latest and most accurate estimate is being used to determine whether each project should be placed on the 13-month let list. A review meeting is then held that determines if those projects are placed on the 13-month let list.

A final preliminary cost estimate is developed for all projects one month prior to letting to verify and/or update the planned construction costs for those projects. Leading up to the final preliminary cost estimate, the estimators coordinate with different preconstruction units, including Design Build, to maintain an accurate current construction cost for all projects based on the current scope of work.

The PES also develops cost estimates for Design Build projects that are the Engineer's Estimate (EE) which are compared to bids received at the bid opening and used as a basis for recommending award of a contract. These estimates have input from other units to determine both the design cost and construction cost for a given project. The low bidder must be within the range of 15% under to 10% over the EE in order to award the contract. If the low bid is outside of that range, the PES staff along with the State Estimating Engineer will analyze the EE and bids received and then will contact multiple bidders to discuss any discrepancies between the two. Options available after analyzing bids vs. EE include revising the EE, asking contractors for a best and final offer, or re-letting the project with or without any modifications to the RFP.

Another task handled by the PES staff is producing a Plans, Specifications and Estimates (PS&E) package for all Design Build projects which have Federal funding sources. The PS&E package is delivered to the Federal Aid project coordinator in the Highway Building and is used by the FHWA to ensure there is adequate funding set up for a given project. The PS&E is marked confidential and is delivered by hand in a sealed envelope since it includes the confidential Design Build cost estimate.

PES staff also develop DBE percentage reports for Design Build projects. These reports determine the percentage of work items that could be performed by DBE/MB/WB contractors. The reports are used by the goal setting committee to determine what percentage of the work in the contract will be required to be performed by DBE/MB/WB contractors.

The PES staff are also responsible for pricing cost sharing estimates for use in determining what percentage of betterment costs will be borne by NCDOT and what percentage will be paid by a Town, City, County or other municipal entity. The percentage of costs paid by NCDOT ranges from 50% to 90% and is determined by population. NCDOT will pay a higher percentage of the costs for municipalities with lower populations and will pay a lower percentage of the costs for municipalities with higher populations.

PES staff send out cost verification letters to update the construction cost for a project in SAP. The cost verification letters are typically submitted for every updated estimate unless it is requested that we do not send one out for a given estimate. All of the Preliminary Estimates produced by the PES are public information with the exception of Design Build estimates as noted below.

For Design Build projects, a cost verification letter is done when the project is designated as a Design Build project, but all subsequent estimates are considered confidential. This is due to the fact that these estimates are used to compare to contractor's bids as a basis for award when the bids are opened.

After award of projects the PES staff who developed the estimate may be asked to assist in preparing cost estimates for supplemental agreements. For traditional projects the supplemental agreements will use the contractor's bid prices to determine the additional cost of the supplemental work. If an item is needed that wasn't in the original contract PES staff will determine a fair unit price for the item based on project type, location and quantity.

Supplemental agreements are also estimated by PES staff on Design Build projects. Since the Design Build contracts are typically bid on a lump sum basis, all items contained in the supplemental agreement will have unit prices determined by PES estimators. These estimates will be compared to the contractor's estimates for the same work and a final price for the additional work will be negotiated.

PLAN REVIEW

PURPOSE:

To review the plans package for conformance to current design standards and procedures.

RESPONSIBILITY:

Plan Review falls under the Plans and Standards Management Section which consists of Plan Review Engineers.

PROCEDURES:

There are typically three different types of projects: TIP, Resurfacing and Division Managed with Raleigh let TIP. There may be other types of projects such as bridge rehabilitation and preservation which will follow many of the same procedures.

Processing of Central Design TIP project:

- 1) When a plan package is received from Roadway Design, the plan reviewer will request a compiled estimate print from the Estimating Management Section. The compiled estimate includes quantities from all units with pay items for the project.
- 2) The Plan Reviewer checks the plans package for conformance to current design standards and procedures. The reviewer checks the typical sections, summaries, plan sheets, pay items, quantities, etc., for errors or omissions. All comments, errors, and issues are recorded.
- 3) Once the initial review is complete, the plan reviewer will review the comments, errors, and issues with the Design Engineer for the project. The plan set is returned to the designer. Revisions are made to the plan set.
- 4) Once the revisions are completed, the design engineer returns the plan set to the plan reviewer. The plan reviewer will check the comments, errors, and issues to ensure all corrections have been made.
- 5) Once the revised estimate is returned from the Design Engineer, the plan reviewer will send the marked quantity estimate to the Estimating Management Section. The estimating section will correct any errors to the quantity estimate and print a new estimate.
- 6) Once all reviews are completed and a new estimate is printed, the Plan Reviewer will submit the plans package to the Proposals and Contracts Engineer.
- 7) The Plan Reviewer will make updates as needed to the project log throughout the review process.
- 8) The Plan Reviewer will work in coordination with Proposals Engineer to make corrections as needed during the process of assembling the Proposal.
- 9) The Plan Reviewer will ensure all electronic (pdf) files are completed and DocuSigned. The Plan Reviewer will ensure the electronic files are placed in the appropriate final plans folders on the project server or on Share Point web site.
- 10) Once the Proposals Engineer has completed their review, the plans will be sent to the Plans and Standards Engineer. The Plans and Standards Engineer will review all the electronic files (pdf) for conformance.
- 11) The Plans and Standards Engineer notifies the Printing Manager, the Proposals and Contracts Engineer, and the Proposals Engineer the electronic files are ready for the Advertisement for the Letting.

PROPOSAL PREPARATION

PURPOSE:

Develop the project proposal for advertisement which will eventually become the project contract.

RESPONSIBILITY:

Proposal preparation falls under the Proposals and Contracts Management Section which consists of Proposal Engineers.

PROCEDURES: (see flow chart):

- 1) The Plan Package, quantity estimate and work folders are received from the Plan Checking Section. The project is logged in and the Contract Time Engineer reviews the information. Contract times are determined and are taken to the Contract Time Committee for approval. Dates of Availability and Contract Completion dates are determined. Agreed upon contract times and dates are entered into TRNS*PORT. If other TIP, State Resurfacing, Division Let, and Design-Build projects are discovered to be under construction in the same area, the possible conflicts are noted in the proposal.

The Plan Package consists of plans and details from each unit that are applicable to this project. All plan sheets should be sealed as needed when received. The following is a list of plans that may be received from the various units:

Roadway, Geotechnical, GeoEnvironmental, Signing, Traffic Control, Lighting, Utility Construction, Utility by others, Erosion Control, Signals and ITS

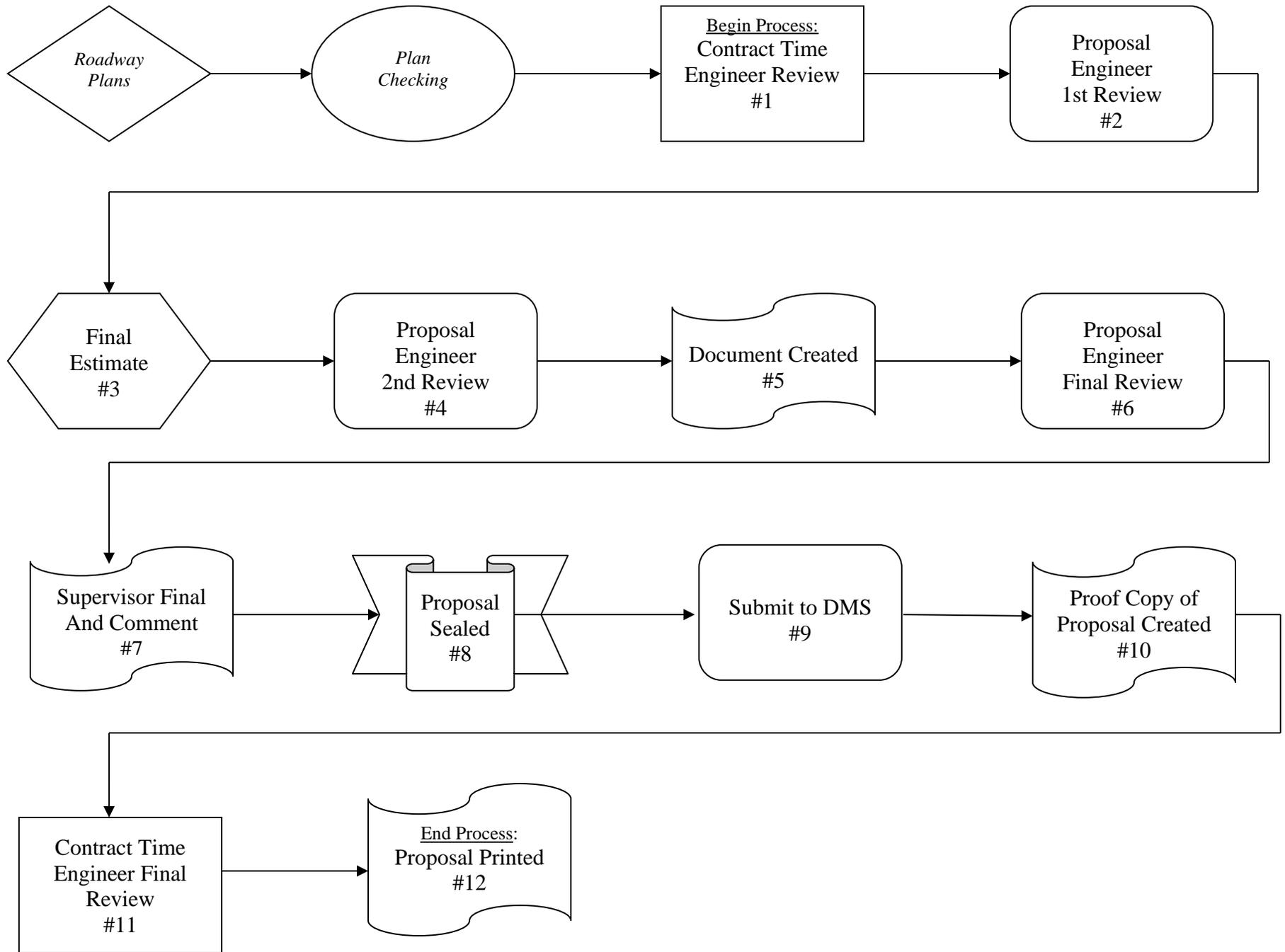
In most instances, the plan package includes all unit plans except for structures and culverts. These plans, along with the corresponding subsurface plans, are submitted directly to the Records and Documents Section.

- 2) The Proposal Engineer reviews the project documents. There are three basic parts to this review: the plan package, the estimate of quantities and the creation of the bid proposal.
 - a) The Proposal Engineer #1 reviews the plan package to insure: the proper letting date, TIP and WBS numbers are correct, sheets are sealed as needed, index of sheets is correct; earthwork, drainage, and guardrail quantities match the estimate summary; the proper sealed details, pay items and special provisions are included to cover all work items. Roadway subsurface plans and cross-sections are also reviewed.
 - b) The following information from the work folder is reviewed. Note that the review may contain other information not listed here: provisions written by other units, correspondence and notes that may indicate the need for a particular project special provision to be included in the roadway portion of the proposal, Final or Combined Field Inspection letter, geo-technical reports, structure foundation reports, project commitments, design and construction recommendations, intermediate contract time write-ups from Traffic Control Unit, whether surveying will be done by the contractor or the Division, clearing and grubbing methods, permit moratoriums or restrictions, embankment waiting periods, ROW memo, building removals, railroad insurance

requirements, special project inserts, county seed mix type, and the correct wage rate determinations.

- c) Review the project special provisions provided by other units and verify their provisions adequately cover the work required and that they are written in proper contractual language. Units include: Traffic Control, Traffic Signals, Signing, Utilities, Structures, Roadside Environmental, Geotechnical, and GeoEnvironmental. The provisions are reviewed for accuracy and completeness. All provisions received should be sealed as needed when received. If necessary, corrections should be requested from these units.
 - d) Verify that either the Standard Specification Book or a project special provision covers all items of work. Consult with Plan Checking, other engineering units or Division construction personnel when needed.
 - e) The preliminary quantity estimate should be reviewed to ensure that all unit provisions or other changes are included. The estimate should match the quantities shown on the Summary of Quantities sheet(s) in the plans. All items noted as SP should have a corresponding special provision.
 - f) Working from the automated proposal line up sheet (APLUS), select the required general, roadway, and standard provisions for the project. The *Proposal Engineer* may have to include a project specific special provision insert or write a provision to cover a specific item or activity.
- 3) Revised plans, quantity estimate, and work folders are submitted to the Estimating Section for determination of the final cost estimate (percent run) report and the DBE Interest Report for disadvantaged woman and minority business goal setting.
 - 4) The roadway plans, work folders, percent run report, and DBE Interest Report are returned from estimating section and reviewed.
 - a) The DBE Interest Report is sent to the DBE Goal Setting Committee who later meets with the Proposals Supervisor to establish the DBE or MBE/WBE goals applied to each project. Goals are entered into TRNS*PORT.
 - b) A second Proposals Engineer repeats process #2 above for a second review. All necessary plan and quantity changes should be made at this point.
 - c) Additional proposal information is added that was not available during the first review: determination of specialty and major items, date of availability, completion date, liquidated damages, delays in entry, progress estimates percentage, fuel and asphalt price adjustments, burning restrictions, seeding and mulching incentive, environmental permits, and the DBE/MBE/WBE goals.
 - 5) Proposal Engineer #2 completes the final assembly of a draft proposal by adding the unit provisions and required permits from PDEA (previously processed), quantity, item sheets, proposal cover sheet and the completed table of contents and submits it for third review to Proposal Engineer #3.

- 6) Proposal Engineer #3 reviews the document to ensure that major item line numbers are correct, the liquidated damages are correct and the specialty items. For resurfacing projects, Proposal Engineer #3 gives the sketch maps to Plan Checking for a final review.
- 7) Once all the information has been checked, Proposal Engineer #3 gives the entire document (draft proposal with special provisions, plans, quantity sheets, etc) to the Proposal Supervisor for a final check for completeness and accuracy.
- 8) Once the review is done, the projects gets handed back to Proposal Engineer #3 for any revisions and to have the document sent electronically to the State Contract Officer who reviews and signs the final document via DocuSign.
- 9) Save the signed document in “project store” and notify the Records and Documents Section that the proposal is ready for advertisement. The roadway plans, cross-sections, and subsurface plans are submitted to Records and Documents Section for distribution. The structure plans are submitted directly to Records and Documents Section and are not reviewed by this office.
- 10) One proof copy of final proposal is printed.
- 11) The Contract Time Engineer reviews the proof copy for accuracy and completeness. Project information in TRNS*PORT is verified with proposal.
- 12) Once approved, the proof copy is submitted to Records and Documents for final printing and advertisement.



CONTRACT TIME

POLICY STATEMENT:

A Contract Time Meeting shall be held each month.

BACKGROUND:

23 CFR, Part 635.121: Contract time and Contract Time Extensions

PURPOSE:

Contract Time Meetings are held to:

- (1) Review contract time recommendations and establish a contract time for each project.
- (2) Determine if bridges are to be combined with roadway contracts or if they are to be let as separate contracts.
- (3) Review Innovative Contract Time Procedure recommendations (A+B, Incentive-Disincentive, Etc.)
- (4) Determine liquidated damages for each project.
- (5) Make recommendation for projects with 8 week advertisement.

RESPONSIBILITY:

It is the responsibility of the *Contract Time Engineer* to prepare contract time recommendations which will be reviewed by the Contract Time Committee. The meeting will normally be held in the Contract Standards and Development Conference Room with the following in attendance:

- Construction Estimate and Claims Engineer
- Assistant Structure Design Engineer
- State Contract Officer
- Contract Time Engineer
- Work Zone Traffic Control Engineer
- Representative from FHWA (Federal-Aid projects)
- State Roadway Design Engineer and/or Roadway Project Engineer (upon Chairman's request)

Note: The Chairman for the Committee will be designated from the above list by the Chief Engineer

PROCEDURES: (see also Appendix X)

The Plan Package, quantity estimate and work folders are received from the Plan Checking Section and logged in as received. The *Contract Time Engineer* reviews the information, contract times are determined and taken to the Contract Time Committee for approval.

The Contract Time Meeting will be scheduled by the Chairman for a date sufficiently in advance of advertising that the approved information can be included in the bid proposal.

The Contract Time Engineer is responsible for determining the time limit recommendations to be included in the contracts for highway and bridge construction. Internal procedures and guidelines for determining contract time are available in his or her office. It shall be the responsibility of the Project Engineer or Project Design Engineer to provide the Contract Time Engineer quantities of work items and any information peculiar to a specific project that could possibly affect the immediate or overall contract time.

When structures are involved on a project, the Assistant Head of Structure Design will provide the Contract Time Engineer with the contract time for involved structures. The Assistant Head of Structure Design and the Contract Time Engineer will review the contract time recommendations prior to the review meeting. Projects with structure and roadway items combined are to be closely reviewed by the Committee and a joint approval granted. Unless unusual conditions are anticipated, box culverts will be let in the roadway contracts. When roadway and structures are recommended to be let separately, the contract time recommendations will include an explanation of the project detailing the inter-related roadway and bridge work. Where multiple bridges are proposed, a bar graph showing separate entries for inter-related roadway work and structure work will be prepared by the Contract Time Engineer on projects with multiple bridges.

When the Contract Time Committee cannot agree upon the contract time for a particular project, the Chairman will notify the Administrator of Technical Services. The Administrator of Technical Services will discuss the matter with the State Construction Engineer and attempt to reach a decision. If a decision is not reached between them, the final decision will be made by the Deputy Chief Engineer.

Upon approval of the contract time (Dates of Availability, Contract Completion Dates and liquidated damages) by the Committee, the *Contract Time Engineer* will provide the approved information to Contracts and Proposals for inclusion into the bid proposal.

Upon completion of all bidding proposals in a monthly letting, the Contract Time Engineer shall compare his or her contract time worksheet quantities with the proposal quantities, making corrections to the worksheet where necessary.

ENGINEER'S ESTIMATE

PURPOSE:

Current unit prices will be used in computing project cost estimates to come up the Engineer's Estimate. The Estimating Management Section shall limit dissemination of letting information to the description and location of the project and the estimate of quantities of the major items in the contract. The Estimating Management Section will not furnish to the public or excess State personnel, information on the tabulation of the Engineer's estimates.

BACKGROUND:

NC General Statute § 133-33. Contract estimates; bidders' lists.

NC Administrative Code: 19A NCAC 02D.0825. Confidentiality of Cost Estimates

RESPONSIBILITY:

The Estimating Management Section is responsible for computing detailed, current and confidential project cost estimates.

PROCEDURES:

The Engineer's Estimate is a confidential, detailed, current cost estimate which is prepared to provide estimates for programming purposes and for comparison of bids. The Engineer's Estimate is prepared prior to advertising for all projects and for submission to the Federal Highway Administration with the PS&E package on Federal-Aid projects. The Engineer's Estimate is also the final estimate and is to be used for comparison of bids and to determine their acceptability.

The Percentage Estimate and DBE Percentage Reports are confidential reports containing the percentage that the total price of each item bears to the total amount of the Confidential Engineer's Estimate and the percent of work that could potentially be done by DBE/MB/WB Contractors. It is used by the DBE/WB Committee in arriving at DBE/WB goals for a project, and by the Provisions Engineer in designating major and minor items in a contract.

No individual may possess the Engineer's Estimate or the Percentage Estimate unless they have been so authorized by this policy and procedure.

The Estimate of Quantities is prepared by the Unit preparing the plans. The Estimating Section of the Contract Standards and Development Unit estimates the unit prices for all roadway items and reviews and includes all cost estimates from other units in a timely manner so that the estimates are completed in time to advertise the projects for bids.

The Engineer's Estimate is compiled using a combination of cost-based estimating and historic data.

Material suppliers are contacted as necessary to determine the cost of new or unusual materials to be used during construction of the projects. Attempts are made to determine if there is a material shortage of any of the construction materials to be used on the project, in order that any resulting increased cost can be incorporated into the estimated unit price.

In the performance of their duties, it will be necessary for the Estimator and his or her staff members to possess the Engineer's Estimate.

The following additional Highway Design Branch personnel may possess part of the Engineer's Estimate for which they have developed the estimated prices:

1. Structure Design Estimating Staff
2. Utilities Engineer
3. Lighting/Electrical Engineer
4. Traffic Engineering
5. Roadside Environmental
6. Signing and Delineation
7. ITS and Signals

The estimated quantities and unit prices thus developed shall be delivered by individuals authorized to possess the Estimate to the Estimator in the Engineer's Estimate Section of the Contract Standards and Development Unit.

Personnel outside of the Highway Division who have developed estimated prices for work handled by their Branch or Unit may possess that part of the Engineer's Estimate for which they have developed prices provided:

1. They have been authorized by their appropriate Branch Manager or Unit Head to possess that part of the Engineer's Estimate pertaining to work within the jurisdiction of their Branch or Unit, and
2. Such authorization is contained in official procedures prepared by the appropriate Branch or Unit which have been approved by the Chief Engineer.

After the Engineer's Estimate has been computed, it will be stamped "Confidential" and:

1. On Federal-Aid Projects, it will be hand carried (6) weeks prior to the letting by the State Estimating Engineer or a designated member of his or her staff to the Project Management Unit Head or a designated member of his or her staff for obtaining approval of the PS&E package from the Federal Highway Administration.
2. On State funded projects, it will be made available (2) weeks prior to the letting by the State Estimating Engineer to the Project Management Unit Head or a designated member of his or her staff upon request for determination of proper funding requirements.

The Engineer's Estimate may be revised, if deemed necessary by the State Estimating Engineer upon evaluation of the project site, Plans, and Proposal Documents.

The estimate is considered final after approval by the State Estimating Engineer.

The final and complete Engineer's Estimates shall not be made available to anybody except:

1. The State Estimating Engineer and his or her staff members.
2. The Assistant Division Administrator or designated staff member of the Federal Highway Administration Division Office. On Federal-Aid Projects requiring step by step approval, any revised Engineer's Estimates approved by the State Estimating Engineer shall be stamped

"Confidential", placed in a sealed envelope also stamped "Confidential" and hand carried by the State Estimating Engineer or his or her designated staff member to the Project Management Unit Head or to designated member of his or her staff if:

- (a) Items are added or deleted
- (b) Quantities are revised
- (c) Unit prices are revised

Or any combination of the above, resulting in a (+5%) differential from the previously delivered Engineer's Estimate.

Revisions to the Engineer's Estimate:

Revisions may be made to the Engineer's Estimate by the State Estimating Engineer at any time prior to the scheduled letting. All price revisions made after the computerized Engineer's Estimates have been submitted to the Project Management Unit will be made by hand and will be documented by noting the date, reason for the revision and initialed by the Estimator and retained in the estimate file.

Availability of Percentage Estimate and DBE Percent Report:

The Percentage Estimate and DBE Percent Report are confidential information.

In the performance of their duties it will be necessary for the following personnel to possess the Percentage Estimate and DBE Percent Report:

1. The Estimator and his or her staff members.
2. The Provisions Engineer in the Proposals and Contracts Section and his or her assisting staff members.
3. Members of the Goal Setting Committee (see Appendix X for committee procedures).

The Percentage Estimate will be stamped "Confidential" and made available by the Estimator to the Provisions Engineer and his or her staff members. The Provisions Engineer will make the DBE Percent Report available to the DBE/WBE Committee for their review at the DBE/WB Committee meeting.

Transmittal of Engineer's Estimates and Percentage Estimates:

Engineer's Estimates and Percentage Estimates shall be stamped "Confidential". When transmitted as authorized by this procedure, they shall be hand delivered only by authorized personnel.

Office Procedures:

The Estimator and his or her staff shall work in offices used exclusively by them which shall be locked at all times outside of scheduled working hours and at any time the rooms are empty of personnel during working hours. Only the Estimator and his or her staff members are authorized to have keys to these offices. Engineer's Estimates shall be filed in a secured area under the custody of the Estimator. All Engineer's Estimates shall be stamped "Confidential".

Percentage Estimates shall be filed in a locked file cabinet under custody of the Provisions Engineer.

Destruction of Copies of the Percentage Estimates:

Copies of the Percentage Estimates used by the DBE/WB Committee shall all be collected by the Provisions Engineer at the conclusion of their meetings and placed in a locked file cabinet until they can be destroyed.

Publishing of Engineer's Estimate:

At the bid opening the total Engineer's Estimate is read. The Engineer's Estimate is then considered public information.

PROJECT ADVERTISEMENT

POLICY STATEMENT:

State and Federal highway projects will be openly advertised to the public and contracting community.

BACKGROUND:

19A NCAC 02D.0803: Advertisement and Invitations for Bids (Feb. 1, 2008)
23 CFR Part 635.112: Advertising for Bids and Proposals

PURPOSE:

To have a central location where highway projects are advertised and processed in compliance with State and Federal regulations.

RESPONSIBILITY:

It is the responsibility of the Records and Contracts Management Section to post the advertisements, distribute plans and proposals, and maintain a plan holders list on the public web site.

PROCEDURES:

Advertisement:

All projects in each bid opening will normally be advertised for four weeks prior to bid opening. Projects may be advertised for shorter or longer periods of time as determined by the Chief Engineer, subject to Federal Highway Administration approval on Federal-Aid projects.

The advertisement will be posted on the web as well as published in the legal section of the Asheville Citizens Times, The Raleigh News and Observer, the Winston-Salem Journal, La Vos Independiente, Greater Diversity, and the Carolinian. The advertisement will be emailed to the newspapers six days prior to the date of advertisement.

Distribution of Plans and Proposals:

An order form will be maintained on-line and all orders for plans and proposals will be received by the Records and Contracts Management Section. The material for each order will be assembled, packaged and sent for mailing. The orders will be sent by FedEx ground unless the requesting party is willing to pay for express shipping.

The Section will retain all order forms and maintain a plan holder list for each project which will be made public via the web.

At the time of ordering and invoicing for the plans, the Records and Contracts Management Section will check for prequalification of the contractors. The verification of prequalification will also be made by the Contract and Proposal Section within a week before the let to ensure that all prime bidders are prequalified before the bids are opened and read.

Addendums:

During the advertisement period, it will often be necessary to create and distribute addendums to Contractors. Prior to writing and issuing the addendum, the Contract and Proposal Section will discuss with FHWA or the NCDOT Division Office as necessary. The addendum, consisting of a letter describing the necessary changes and any plan and/or proposal form sheets will be sent Certified Mail or FedEx from the Records and Contracts Management Section to all those who received plans and/or proposals on the project list. An acknowledgement of receipt must be received from every Contractor on the list prior to bid opening. This may be done via the electronic bidding system.

BID RECEIPT AND OPENING

POLICY STATEMENT:

To provide orderly procedures for receiving bids for advertised projects and to be in compliance with Federal Regulations.

RESPONSIBILITY:

It is the responsibility of the Estimating Management Section to receive and review the submitted bids.

PROCEDURES:

23 CFR 635.113 – Bid Opening and Bid Tabulations

NCGS §136-18(1) – Powers of Department of Transportation

NCGS §136-28.1 – Letting of Contracts to Bidders after Advertisement

19A NCAC 02D.0810 – Delivery of Bids

19A NCAC 02D.0812 – Receipt and Opening of Bids

Central let bids, with the exception of Design Build, will be electronically submitted through Bid Express. Bids will be received until 2:00 p.m. on the day of the bid opening. At 2:00 p.m. the receipt of bids will be terminated. All bids will be read publicly at the time and place indicated in the Invitation to Bid.

Bid irregularities, withdrawals of bids and rejection of bids will follow the *Standard Specifications for Roads and Structures*.

Central let bids which meet the requirements to be read aloud for bid consideration in compliance with the Standard Specifications, will be done so with an audio feed from the Contract Standards and Development conference room. Information relating to the bid will be uploaded to the bidding web site for dissemination.

Review of Bids:

The required documentation required by each bidder is found in the current *Standard Specifications for Roads and Structures* as well as in the Invitation to Bid.

As each bid is confidentially opened in a secure location, the presence of a bid bond or bid deposit will be checked for inclusion with the bid. The Estimating Management Section will also review the bids for errors, presence at mandatory pre-bid meetings and calculations for alternative contracting methods such as A+ B.

Each bid will be reviewed separately and completely by two individuals in the Section for compliance with the Standard Specifications and any applicable special provisions. After each separate review, the cover sheet of the bid reviewed will be initialed by the persons make the review if no irregularity is found.

All irregular bids will be tabulated along with the regular bids, and any irregularity found in the bid, bid bond or bid deposit will be noted on a bid examination sheet. The sheet will be attached to the front cover of the bid.

After bids have been reviewed, the bids are tabulated to be read. When it is determined that there is a low bid irregularity, one copy of the proposal sheets containing the low bid irregularity and bid examination sheet will be hand carried to the Office of the Deputy Attorney General so that legal advice on questionable low bid irregularities can be obtained. The Bidder will be notified of irregularities in writing by the Contract Officer and all copies kept on file.

The Estimating Management Section will perform the necessary mathematical process to determine the apparent order of bids on each project. The Section will print copies of the Engineer's Estimate and the apparent low bidder's complete bid, along with the percentage that each item and total bid is over or under the Engineer's Estimate. If the apparent low bid is irregular, the Section will also print the lowest bid which does not contain any irregularity.

The Section will also print out copies of the bid tabulations of all bidders. These tabulations will show each irregularity for each bid as noted on the Bid Examination Sheet. In the event of errors, omissions, or discrepancies in the bid prices, corrections to the bid prices will be in accordance with the Standard Specifications. Such corrected bid prices will be used for the comparison and consideration of bids.

After tabulations are complete, the Section will print Item C for the next Board of Transportation meeting. Item C will include the Project Number, County, Length, Type, and Description of the project, the Date of Availability, and Completion Date of the project. Item C will also include each bidder's name and address, total amount bid, the amount of the Engineer's Estimate and the percent difference between the bid and the estimate. Each irregularity of each bidder on each project will be noted on Item C showing a symbol beside the bidder's name and writing the irregularity directly below the bidder's name.

An attachment to Item C will be prepared by the Section for any project for which bids have been received in a previous letting and rejected. The attachment will list the current bids as compared to bids in the previous letting(s) along with a brief explanation of why the project was previously rejected and an explanation of any design changes that might have been made.

The irregularities will be shown on the tabulation of all bidders versus the Engineer's Estimate in the same manner as they are shown on Item C. For projects on which bids have been received by agencies other than the BOT, (municipalities, FHWA and other states) and have cost participation by the Department, the Contract Officer will prepare the names of the bidders and the amounts bid and this data will be labeled Item C-1, C-2, etc. The Contract Standards and Development Office will reproduce and furnish copies of the Item C, Item C-1, Item C-2, etc. to the office of the Chief Engineer in order for the information to be placed on the agenda of the next BOT meeting.

Review for DBE/MBE/WBE Compliance

49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in US DOT Financial Assistance Programs

NCGS §136-28.4 – State policy concerning participation by disadvantaged minority-owned and women-owned businesses in highway contracts

DBE/MBE/WBE information shall be submitted with the bid as it relates to the subcontractors and/or material suppliers to meet or work towards the advertised project goal. The listing of the DBE/MBE/WBE subcontractors for the three lowest bidders will be reviewed by the Civil Rights Office to determine if the goal was met or if any irregularities were found.

If the low bidder did not meet the advertised goal(s) set, they are required to submit within 6 days, a report outlining the efforts used to meet the goal. This report is submitted to the State Contract Utilization Engineer of the Civil Rights Office. The report will be reviewed by the Good Faith Staff Review Committee in the Civil Rights Office and a recommendation for Good Faith or non-Good Faith will be taken to the Goal Compliance Committee. The outcome will be a determination in the Bid Review Committee for awarding of the project. (See Appendix XXX and CXC for Committee procedures).

Any bidder who is not in compliance with the required DBE/MBE/WBE goal(s) will not be considered for award and will be so notified.

Disposition of Bid Bonds and Bid Deposits:

All bid bonds will be handled as stated in the Standard Specifications and as follows:

After the contract has been executed by the Bidder, all bid bonds will be destroyed, or will be returned to the Bidder or Surety if the individual bid bond form contains a note requesting that it be returned to the Bidder or Surety. Current procedure is to wait for a period of three months after the bid opening before the bid bonds are destroyed.

All certified and cashier's checks accompanying bid bonds will be hand carried from the CS&D Office to the Controller with a cover letter requesting that the check be deposited. After the bid tabulations are printed and distributed, but no later than 10 days after the date of opening of bids, a letter will be sent from the Contract Officer to the Controller requesting him to issue a refund check to each Bidder who was not one of the three low bidders. After contract payment and performance bonds have been received by the Contract Officer, a letter will be sent from the Contract Officer to the Controller requesting him to issue a refund check to each Bidder who was one of the three lowest responsible bidders. The refund check will be transmitted from the Controller to the Bidder by Letter and a copy of the letter will be sent to the Contract Officer.

Bid Review:

The Bid Review Committee is responsible for reviewing all bids submitted to determine recommendations on their acceptance or rejection. (See Bid Review Committee Procedures in Appendix XXX). Typically the Bid Review Committee meets on the Monday after Letting Day.

Recommendation of Award:

The Bid Review Committee will recommend award to the Secretary of Transportation.

Notification of Award:

After approval of the Secretary to award the contract, a notification of award letter will be sent by the State Contract Officer to the lowest responsible bidder on each awarded project. On those projects for which concurrence of award by the Federal Highway Administration is required, a letter requesting concurrence of award will be sent to the FHWA by the State Contract Officer.

The notification of award letter will not be sent to each low bidder until the Contract Office receives the letter of concurrence from the FHWA.

The notification of award letter will contain web information on the necessary forms for executing the contract and the contract bonds. The low bidder has 14 calendar days from receiving the award letter to furnish two properly executed signatures sheets and two original sets of executed bonds.

After four working days, a follow-up phone call will be made by the Contract Officer or a designated member of his staff to determine if the notice of award has been received. If the low bidder has not received the notice, another copy will be send immediately. If the low bidder defaults the award will go to the second low bidder following approval by the Secretary.

Preparation of Contracts:

After the Contract Performance and Contract Payment Bonds are received from the low bidder, the original and duplicate contracts will be prepared by the Contract Standards and Development Unit. The original and duplicate contracts will be prepared utilizing the contents of the marked proposal form of the low bidder with the addition of the Contract Performance Bond, Contract Payment Bond, computer-generated item sheets and the corrected listing of DBE, MBE and WBE subcontractors (if applicable). After the contracts have been prepared, they will be checked for accuracy and reproduced with necessary copies going to the Division Engineer, Head of Construction and Controller.

Execution of Contracts:

After the contracts have been assembled in the Contract Office, they will be sent to the Office of the Deputy Attorney General where they will be checked by the Legal Staff and signed if found to be correct. After the contracts have been executed by the State Contract Officer, on behalf of the Department, the Contract Office will mail the duplicate copy back to the Contractor. The original copy will be; retained in the Contract Office where a Project Sheet is filled in showing project number, county, length, type, location, date let, date of execution, completion date, and name and address of Contractor. This will be the procedure for all projects. On Federal-Aid projects, a true copy of the original executed contract will be prepared by the Contract Office and sent to FHWA. After all projects in a particular bid opening have been awarded, executed by the Department, and all original copies processed by the Contract Office, all original Contracts will be transmitted to the Manager of Document Management where they will be filed.

After the contracts have been executed by the Contract Office, the necessary copies will be mailed to the Division Engineer, State Construction Engineer and Controller.

PREQUALIFICATION

PURPOSE:

To ensure that all firms who bid on Department contracts possess the knowledge, experience and resources to effectively and efficiently perform the work awarded to them.

RESPONSIBILITY:

It is the responsibility of the Prequalification Management Section to receive, review and approve submitted prequalification forms.

PROCEDURES:

There are different levels of prequalification for a construction company as follows:

Prime Contractor- A Prime Contractor places bids on centrally let contracts, that is, projects that are bid online through the Raleigh Headquarters for work taking place anywhere in the state. Prime contracts are in excess of \$1.2 Million. Prequalification as a Prime Contractor will allow the contractor to bid on centrally let contracts, division let contracts, or perform work as a Subcontractor.

Purchase Order Contract (POC) Contractor- A POC Contractor places bids on division let contracts that are bid in person or by mail through one of the fourteen Division Offices (field offices) located throughout the state. POC contracts are under \$1.2 Million. Prequalification will allow the contractor to bid on Division let contracts or perform work as a Subcontractor.

Subcontractor- A Subcontractor performs a portion of the contract for a Prime Contractor or Purchase Order Contractor and not directly for the Department of Transportation.

Private Engineering Firm- A Private Engineering Firm provides a service or technical guidance from a wide range of disciplines including highway design, geotechnical engineering, stormwater engineering, surveying, inspection, transportation planning, utility engineering, transportation engineering, railroad engineering, value engineering, and environmental analysis.

Requirements for Prequalification

For each work code requested, the contractor will need to provide evidence that they possess the experience and equipment to successfully perform the work. When a complete application package is received, every effort will be made to complete the review process within the four weeks outlined in the Standard Specifications. During this time the Prequalification Section may contact the firm by email or fax, using the email address or fax number provided in the application to obtain any additional or missing information to complete the application.

Prime Contractor- A firm applying for approval as a Prime Contractor must be able to provide evidence of bonding capacity in the form of a bond letter for a minimum of \$500,000. In order to be awarded projects for a specific dollar amount (e.g. \$5 Million) the contractor will have to be able to provide payment and performance bonds equal to the dollar value of the contract at the time of award. A prime contractor is not required to be prequalified for every work code listed on a project; however,

they must be prequalified for any work code they are going to self-perform. A prime contractor must be prequalified in order to place a bid.

Purchase Order Contractor- A firm applying for approval as a POC contractor must be able to provide proof of bonding capacity in the form of a bond letter for a minimum of \$500,000 if the firm is planning to bid on POC's over \$500,000 in value. A POC contractor must be prequalified prior to bid opening. A POC contractor is required to self-perform a minimum of 40% of the dollar value of the contract. A POC contractor is not required to be prequalified for every work code listed on a project; however, they must be prequalified for any work code they are going to self-perform.

Subcontractor- A firm applying for approval as a Subcontractor will perform the work under an approved prime contractor or POC contractor. A subcontractor must be prequalified prior to starting work on a project but not prior to placing a bid on a project or attending a pre-bid meeting.

Private Engineering Firm- A firm applying for approval as a Private Engineering Firm must submit an application for each individual office location except for firms with multiple office locations in North Carolina, who may submit one application to represent all offices in North Carolina. All offices located outside of North Carolina must submit a separate prequalification application for each office. Private Consulting Firm's must be prequalified for the type of work they wish to perform before submitting their Letter of Interest, unless stated otherwise in the advertisement. Firm's that submit a Letter of Interest as part of a team must be individually prequalified for the type of work they wish to perform, whether they are acting as the lead consultant or as a subconsultant. Depending upon the discipline requested, a firm must have at least one licensed Professional Engineer in the State of North Carolina.

APPENDIX

APPENDIX A – CONTRACT TIME GUIDELINES

To calculate the contract time to be recommended to the Contract Time Committee, the number of work days must be determined. In estimating production rates and the number of work days required to do a certain phase of work, consideration is given to the following.

- Weather conditions for that area of the state
- Size of project in terms of quantities
- Number of projects in the area
- Availability of materials where material delivery time is the controlling operation
- Special construction features or sequences
- Degree of urgency of the proposed improvement as determined by the collective
- evaluation of management and those involved in planning, design, and construction
- Staging and handling of traffic
- "Time of year" restrictions for work that may be included in permits received from various agencies or included in Specification limits for temperature

Taking the above factors into consideration, a production rate is selected for each of the controlling operations. Using the production rate ranges below as a guide, production rates and overlapping operations are selected which reflect the consideration of the eight factors listed above. The total number of working days, thus computed, can be converted into a completion date by applying the following guides:

Allow 16 work days per calendar month for projects that are primarily of a type that the controlling operation would be delayed by wet weather or soil conditions. Allow 17 or 18 work days per calendar month for projects that are largely unaffected by wet weather or soil conditions or projects with an urgency for completion.

Additional contract time will be allowed delays caused by winter weather conditions. One, two, or three months additional contract time will be allowed for each winter period beginning December 15 for projects East of a line from Henderson to Charlotte. West of that line, three months additional contract time will be allowed for each winter period beginning December 15. Additional contract time allowed for winter working conditions may be reduced for projects or operations largely unaffected by winter weather conditions.

The maximum contract time for projects with "A+B" provision is determined on a nonaccelerated basis allowing the bidder to determine the most cost effective contract time.

Contract time for incentive payment is based upon higher production rates and will allow more than 16 days per calendar month.

Operations Working Days

Specification Limits to be Observed When Calculating Contract Time Periods

Statutes - Statutory legal load limits must be observed.

Clearing and Grubbing – No more than 17 acres of exposed, erodible surface area may be accumulated.

Grading

- A. Truck hauled borrow is to be used when specified in special provisions.
- B. Unclassified Excavation must be exhausted prior to borrow being utilized.

Structures

- A. Concrete cannot be placed when air temperature is below 35° unless special measures are taken.
- B. Painting can not be performed below 50°.

Pavement

- A. Cement stabilized base or soil cement base cannot be produced when air temperature is below 40° or between November 1 and the following March 15, and shall be covered by pavement by December 1.
- B. Prime coat cannot be placed when air temperature is below 40° for plant mix and 50° for AST.
- C. Tack coat cannot be placed when air temperature is below 35°.
- D. Asphalt Pavement Limitations

ACBC & ACIC	35°
ACSC, Types S4.75A, SF9.5A, S9.5B	40°
ACSC, Type S9.5C, D, S12.5C & D	50°
OGAFC	None to be placed between October 31 and April 1
AST	None to be placed between October 15 and March 16 except where overlaid with plant mix
Surface Course Final Layer	None between December 15 and March 16 if greater than 1” or between November 15 and April 1 if less than 1”.

- E. Portland Cement Pavement cannot be placed on frozen subgrade or base or when air temperature is 35° and falling but can be placed when temperature is 35° and rising.
- F. Lime treated soil cannot be placed below 45° or between November 1 and the following March 15 and shall be covered by pavement by December 1.

General Items to be Considered

The high production rates are not used except on very large and lengthy rural projects. Items of work which can be performed concurrently with work which is considered a controlling operation will be considered to overlap, and no working days will be assigned for such overlapping work. With the many and varied types of Contractors bidding on these projects, production anticipated is based on the average size Contractor. If production were based on the least productive Contractor, the time limits would be too lengthy.

When projects are sent to field inspection, one of the questions asked is that is the Division's recommendation on contract time. Taking this recommendation into consideration, each project is analyzed by Proposal and Contract Section personnel, and the Assistant Head of Bridge Design, and where appropriate, by the Roadway Project Engineer. The calculations are shown on the form entitled "Recommended Contract Time."

- (1) Nature or Scope of Project and Special Construction Features: Unique construction problems associated with maintaining traffic, long hauls, utilities, rock, and phasing of construction are all factors to be considered when assigning production rates.
- (2) Urgency: Where a special traffic hazard is being corrected and the need for speedy improvement warrants the additional cost, the contract time is calculated for the most efficient Contractor.

Resurfacing and Surfacing

Roadway Operation Rate Per Working Day

Asphalt Concrete Base Course	300 to 600 tons/day
Asphalt Concrete Surface Course	0.6" to 1" – 500 to 800 tons/day 1" – 500 to 1,000 tons/day
Asphalt Base Course for Widening or Leveling	100 to 400 tons/day
Asphalt Intermediate Course	500 to 1,000 tons/day
Asphalt Surface Course	500 to 1,000 tons/day
Asphalt Surface Treatment	5,000 to 10,000 SY/day
Manhole Adjustments	8 to 10/day

**Grading & Paving Projects
(Grading Less Than 1,000,000 Cubic Yards)**

Roadway Operation Rate Per Working Day

Clearing and Grubbing	1 to 8 acres/day, not to exceed 16 working days (grading will govern after 16 days)
Excavation (Unclassified Ditch, Undercut & Borrow)	2,000 to 6,000 CY/day
Aggregate Base Course	1,000 to 2,500 tons/day
Chemical Stabilized Subgrade and Base	Show overlaps with paving except 12 work days for placement and curing (see Seasonal Limitations), additional time may be required when performed in phases
Asphalt Surface Treatment	5,000 to 10,000 SY/day
Asphalt Pavement	300 to 2,000 tons/day
Concrete Pavement	3,000 to 5,000 SY/day (1,000 to 1,500 SY/day for ramps)
Fine Grading	Show overlaps except 4, additional time may be required due to phases
Pipe	100 to 300 LF/day
Curbs and Curb and Gutter	100 to 500 LF/day
Guardrail	300 to 500 LF/day straight, 50 to 100 LF/day shop curved, additional time allowed for excessive amount of anchors
Fencing	500 to 1,000 LF/day
Seeding and Mulching	1 to 3 acres/day, not to exceed 16 working days (most seeding is performed concurrently with grading)

**Major Urban and Rural Projects
(Grading in Excess of 1,000,000 Cubic Yards)**

Roadway Operation Rate Per Working Day

Clearing and Grubbing	1 to 10 acres/day, not to exceed 16 working days (grading will govern after 16 days, may not be valid unless all grading can be done at once and burned)
Excavation (Unclassified Ditch, Undercut & Borrow)	6,000 to 8,000 CY/day (adjust for rock at rate of 500 to 2,000 CY/day, truck excavation and hauling restrictions)
Aggregate Base Course	1,000 to 2,500 tons/day on mainline, 500 to 1,200 tons/day on Y-Lines and ramps, additional time may be required when performed in phases
Chemical Stabilized Subgrade and Base	Show overlaps with paving except 12 work days for placement and curing (see Seasonal Limitations), additional time may be required when performed in phases
Asphalt Surface Treatment	5,000 to 10,000 SY/day
Asphalt Pavement	800 to 2,000 tons/day on mainline, less than 800 on ramps and Y-Lines, additional time may be required when performed in phases
Concrete Pavement	3,000 to 5,000 SY/day (for ramps, use 1,000 to 1,500 SY/day, plus 2 days each for turnout tapers on diamond interchange ramps – 2 days each ramp)
Fine Grading	Show overlaps except 4, additional time may be required due to phases
Pipe	100 to 300 LF/day
Curbs and Curb and Gutter	500 to 1,000 LF/day on ML 200 to 400 LF/day on –Y- Lines
Drainage Structures	20 to 50 each – show overlaps not to exceed 8, more than 50 each – show overlaps not to exceed 16

**Major Urban and Rural Projects
(Grading in Excess of 1,000,000 Cubic Yards) continued**

Roadway Operation Rate Per Working Day

Guardrail	500 to 1,500 LF/day straight, 50 to 100 LF/day shop curved, additional time allowed for excessive amount of anchors
Fencing	1,000 to 2,000 LF/day (on most projects, fencing will overlap with grading time)
Seeding and Mulching	1 to 3 acres/day, not to exceed 16 working days (most overlaps with grading)

Small Rural Widening Projects

Roadway Operation Rate Per Working Day

Clearing and Grubbing	1 acre/day
Excavation (Unclassified, Dr. Ditch, Undercut, Borrow)	200 to 400 CY/day
Aggregate Base Course	300 to 500 tons/day
Chemical Stabilized Subgrade and Base	Show overlaps with paving except 12 work days for placement and curing, additional time may be required when performed in phases (see Seasonal Limitations)
Asphalt Surface Treatment	5,000 to 10,000 SY/day
Asphalt Pavement	200 to 600 tons/day
Fine Grading	Show overlaps except 4, additional time may be required due to phases
Pipe	100 to 200 LF/day
Curbs and Curb and Gutter	100 to 300 LF/day
Guardrail	100 to 500 LF/day
Fencing	300 to 500 LF/day
Seeding and Mulching	1 to 2 acres/day, not to exceed 16 working days

Small Urban Projects – Grading and Paving (Widening and New Location)

Roadway Operation Rate Per Working Day

Clearing and Grubbing	1/4 to 1 acre/day
Excavation (Unclassified, Dr. Ditch, Undercut, Borrow)	100 to 500 CY/day
Aggregate Base Course	200 to 500 tons/day
Chemical Stabilized Subgrade and Base	Show overlaps with paving except 12 work days for placement and curing, additional time may be required when performed in phases (see Seasonal Limitations)
Soil Type Base Course	200 to 500 CY/day
Asphalt Surface Treatment	2,000 to 5,000 SY/day
Asphalt Pavement	200 to 500 tons/day
Fine Grading	Show overlaps except 4, additional time may be required due to phases
Pipe	50 to 200 LF/day
Curbs and Curb and Gutter	100 to 300 LF/day
Guardrail	50 to 300 LF/day
Fencing	300 to 500 LF/day
Seeding and Mulching	1 to 2 acres/day

Paving Projects

Roadway Operation Rate Per Working Day

Fine Grading	500 to 1,000 LF/day, show overlap except 8 for each phase
Aggregate Base Course	1,000 to 2,500 tons/day on mainline, if total quantity is over 40,000 tons, 500 to 1,200 tons/day on Y-lines and ramps
Chemical Stabilized Subgrade and Base	Show overlaps with paving except 12 work days for placement and curing, additional time may be required when performed in phases (see Seasonal Limitations)
Soil Type Base Course	2,000 to 3,000 tons/day
Bituminous Surface Treatment	5,000 to 10,000 SY/day
Asphalt Pavement	800 to 2,000 tons/day on mainline, less than 800 on ramps and Y-Lines
Concrete Pavement	3,000 to 5,000 SY/day (for ramps, use 1,000 to 1,500 SY/day, plus 2 days each for turnout tapers on diamond interchange ramps – 2 days each ramp)
Shoulder Construction	500 to 1,000 CY/day
Curbs and Curb and Gutter	500 to 1,000 LF/day
Guardrail	500 to 1,500 LF/, additional time allowed for excessive amount of anchors
Seeding and Mulching	1 to 3 acres/day, not to exceed 16 working days

Liquidated Damages
(Based on Final Contract Estimate)

<u>Contract Amount</u>	<u>Proposed LD</u>
< \$ 500,000	\$350
\$ 500,000 - 1 mil	\$400
1 mil - 2 mil	\$500
2 mil - 5 mil	\$800
5 mil - 10 mil	\$1,000
10 mil - 20 mil	\$1,500
20 mil - 30 mil	\$2,000
30 mil - 50 mil	\$2,800
> 50 million	\$4,000

APPENDIX B – PREQUALIFICATION PROCEDURES

NEW APPLICATIONS

Prime Bidder:

The company must apply online through the link at <https://apps03.dot.state.nc.us/Vendor/Prequal>. Prior to applying for the first time, a firm must complete the NCID registration process in order to logon to the online application. The first step is for the applicant to select the type of account being created, either an individual account or a business account. The applicant will select a User ID, provide contact information, and select a password. In addition, the applicant will be required to select and answer at least five challenge questions in the event that the password is lost. Once the information has been entered, the applicant will receive an email from NCID at the email address provided in the NCID registration stating that the account has been created. The applicant will then go to log into the prequalification system at <https://apps03.dot.state.nc.us/Vendor/Prequal>. After logging into the system, the applicant should receive a message to submit information on the company's letterhead and fax it to the Prequalification Section. Once the required information is received, the applicant will receive a response from the Prequalification Section that the registration process is complete, at which time the applicant can begin the online application.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor and private consultant. By selecting bidder, a prime contractor is able to perform work as a POC contractor or a subcontractor; there is no need to select these additional levels of prequalification.

After selecting the prime contractor level of prequalification, the applicant will choose to create a new application, or to. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that comprise the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

Application Address- In the first section, the application address, the applicant will provide the contact information for the person who will be contacted by the Prequalification Section if any additional information is needed to complete the application. It is important that the applicant provide a current phone number and email address for contact purposes. The applicant should be able to periodically review the email account provided (including junk email folder) after submitting their application.

Corporation Address- The corporation address will provide the contact information for the headquarters office or contact person. This individual may or may not be the same person as in the application address; however, the system requires that both sections be completed in order to complete the application.

Corporation Information-In the corporate information section, the applicant will select the type of business entity they are established as (individual, corporation, partnership, or limited liability

corporation). The applicant will then answer either yes or no for the four questions at the bottom of the page.

Business Professional Licenses- The applicant will enter professional licenses held by the company in the State of North Carolina. These licenses include the North Carolina General Contractor's License and the North Carolina Electrical License. Out of state licenses are not accepted on this form. With a few minor exceptions for highly specialized work, companies approved as a prime contractor are required to have a North Carolina General Contractor's License for Highway Work and/or a North Carolina Electrical License for electrical work. For federally funded projects, a company is allowed up to sixty days after award to obtain a North Carolina license. For state funded projects, a company is required to have a North Carolina license at the time of bid. Possession of these licenses is not required to become prequalified.

Owner Data- In the middle of the page the applicant will list all individuals or entities with at least 10% ownership in the business. Individuals or entities with less than 10% ownership may be listed separately on the form, or may be collectively listed as "Other". The ownership total must equal 100% and at least one owner must be entered for the system to accept the data. After entering the ownership percentages, at the top of the page the applicant must disclose (yes or no) if there are any owners, officers, or employees in a decision making capacity related by blood or marriage to a current employee of the North Carolina Department of Transportation.

At the bottom of the page the applicant will list any owners or officers who have at least 10% financial interest in any other firm that is prequalified for highway work in any state, affiliated companies, or creditors with controlling interest in the last three questions, respectively.

Work Codes- The applicant will select work codes from the list they are actively self-performing. In reviewing applications, the Prequalification Section typically looks for three projects performed in the past five years. This work history will be identified in the work experience section of the application, or uploaded as a spreadsheet under "Additional Explanations" in the Attached Documents section of the application.

The work codes are listed numerically with the code numbers generally corresponding to the Section of the Standard Specifications for Roads and Structures Book which defines the work code. Some of the work codes are not listed in the Standard Specifications book, although a definition for each work code is included. For additional information on the work code, it is recommended that the applicant review the Standard Specifications Book.

Employee Data- The applicant will see a heading at the top of the page for officer information. The information should be listed for president, vice presidents, assistant vice presidents, secretary, assistant secretary, or their equivalents as applicable. The second heading below the officer section is for employees. Resumes for all officers and for the employees (typically superintendent level or higher) responsible for overseeing on-site operations must be included. Each resume can be uploaded in this section of the application.

Work Experience- The applicant will list work experience over the past five years. The Prequalification Section will review each work code selected to see that three projects of sufficient size and integrity have been performed in the past five years. While this is not a hard requirement

for all work codes, applicants should try to include this number of projects for each work code and should only include projects directly related to the work they are requesting approval for.

The applicant will click the add project link on the middle of the page to add a project. When listing a project, the applicant will list a project name, start date, the applicant's role in the project (as a prime contractor or a subcontractor), the type of work performed, and the location. The type of work field should list a description of the work codes being performed on the project or the work code numbers. For example, "earthwork" is not an acceptable description while "roadway grading, clearing and grubbing, and aggregate base course" is an acceptable description because it directly relates back to the work codes being requested. If the applicant is listing more than three work codes per project, it is recommended that the applicant use the check boxes in the work experience field or use a spreadsheet and attach them in the Attached Documents section.

Next, the applicant will identify the owner of the project or the company the work was performed for and their contact information. Finally, the applicant will provide the dollar amount the applicant was paid for their portion of the work (not the total dollar value of the contract unless the applicant self-performed all work on the project) and the project completion date/anticipated completion date or the estimated number of total man hours on the project.

Safety Questionnaire- The safety questionnaire page provides general information on how the safety index form is scored and what scores are considered satisfactory, marginal, and failing as well the measures taken to address marginal or failing safety scores.

Safety Questionnaire Page 1- The first page of the safety questionnaire gauges the company's approach and attitude towards safety and is worth a total of 5 points. If question one is checked "yes", the applicant will need to provide the front page (or cover page) of the written safety program document to receive credit for this question.

Safety Questionnaire Page 2- The second page of the safety questionnaire gauges the company's safety operating profile and is worth a total of 105 points.

For question one, enter the experience modification rate (EMR) received from your insurance carrier for the three most recent years you have available. If you do not qualify for an EMR rate, check the box on the right hand side for each year that the rate does not apply or at the bottom if the rate does not apply for any of the previous three years.

For question two, enter the number of injuries and illnesses for each of the last three years and the total number of hours worked by all employees during the calendar year from your company's OSHA 200/300 logs. If your company does not maintain OSHA 200/300 logs this information will have to be entered manually. Even if your company has no injuries or illnesses during the year, you are required to enter the total number of hours worked during each of the previous three years. When entering this information, do not use decimals for number of hours worked.

For questions three through six, if your company has been issued a citation for any of these violations please upload a copy in the Attached Documents section of the application under "Safety Index Supporting Documents" and enter the date(s) the citation(s) occurred. If this attachment has already been used in the current application, the citation(s) can be uploaded under "Additional Explanations".

Typical Work Locations- The applicant can select areas in which they wish to work. If the company wishes to work statewide, the applicant should press the “work statewide” button in the upper left-hand side. If the company wishes to select work locations by Division, there is a drop down menu in the upper right-hand side. To select work location by county, click the county on the map. The name of the county will appear in the lower left-hand side of the page. All counties selected on the map are for informational purposes only and your company will be allowed to perform projects anywhere in the state for the work codes which you have been approved.

The information provided will automatically appear on the Directory of Transportation Firms on our website. Other companies will be able to search by work code, by division, or by county. Providing this information presents an opportunity for other firms to contact you to perform work codes for them as part of their contracts.

Attached Documents- The applicant can select a number of documents for download including the Application Affidavit, Non-Collusion Affidavit (there are separate forms for Individuals, Corporations, Joint Ventures, LLC’s, and Partnerships), Sample Bond Letter, W-9 Form, Reference Form, Financial Statement Template, and an Equipment List Template. These documents are selected from the Standard Forms Available for Download drop-down menu at the bottom of the screen. When the appropriate document has been selected, press the download button.

After the document has been completed it must be saved as a .pdf file to be uploaded to the online system. When uploading the document, the applicant will select the type of file to upload in question one at the top of the page. After selecting the type of file being uploaded, the applicant will locate the file on their computer using the browse button in question two. When the file has been selected, the applicant will press the upload button in question three to upload the file to the online system. When the file has been uploaded it will appear under “Files Available for Viewing” in the middle of the page.

Application Summary- This is the final page the applicant will see before submitting the application. All information provided must be complete and accurate before submitting the application, as the applicant will not have the opportunity to access the online system and make any changes until after the application has been processed.

In addition to completing all sections of the online application, the following attachments are needed to complete the prime contractor application:

- Substitute W-9 form.
- Four letters of reference on the provided reference form (we do not accept letters of reference).
- Current financial statement (either independently reviewed statement or completed using the form provided in the attached documents section of the application).
- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Non-Collusion Affidavit and Debarment Certification (we must have the original copy mailed to us). For corporations, the applicant must make sure that the appropriate titles are

circled for officers signing the affidavit and that the corporate seal is affixed to the document.

- A bond letter provided by a bonding agent or bonding company stating the company's ability to be bonded for a minimum of \$500,000. The actual amount written on the bond letter will be the upper limit of the contract dollar value that the company can bid.
- Equipment List.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the "next" button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. Prime contractors must be approved in order to enter a central let bid through the Bid Express System. To bid on purchase order contracts, a prime contractor must be prequalified on the date of the bid opening. To work as a subcontractor, a prime contractor must be prequalified on the day they show up to start work on the project. Prequalification is not required to attend pre-bid meetings.

When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

POC Contractor:

The company can either apply through the online application or complete a paper copy of the application. A paper copy of the application can be printed at http://www.ncdot.org/business/howtogetstarted/primecontractor/primecontractor_poc/.

Companies that do not have computer access can request a paper copy of the application by calling (919) 707-4800. The advantage of performing an online application is the information is stored from previous years so that renewals and requalification in subsequent years will generally require less effort than completing an entire paper application.

Companies choosing to apply online can reach the application through the following link: <https://apps03.dot.state.nc.us/Vendor/Prequal>. Prior to applying for the first time, a firm must complete the NCID registration process in order to logon to the online application, which appears in a link immediately below the username and password. The first step in the NCID registration process is for the applicant to select the type of account being created, either an individual account or a business account. The applicant will then select a User ID, provide contact information, and select a password. In addition, the applicant will be required to select and answer at least five challenge questions in the event that the password is lost.

Once the information has been entered, the applicant will receive an email from NCID at the email address provided in the NCID registration stating that the account has been created. The applicant will then go to log into the prequalification system at <https://apps03.dot.state.nc.us/Vendor/Prequal>. After logging into the system, the applicant should receive a message to submit information on the company's letterhead and fax it to the Prequalification Section. Once the required information is received, the applicant will receive a response from the Prequalification Section that the registration process is complete, at which time the applicant can begin the online application.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor, and private consultant. By selecting POC contractor, a POC contractor is able to perform work as a subcontractor; there is no need to select both levels of prequalification.

After selecting the POC level of prequalification, the applicant will choose to create a new application. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

Application Address- In the first section, the application address, the applicant will provide the contact information for the person who will be contacted by the Prequalification Section if any additional information is needed to complete the application. It is important that the applicant provide a current phone number and email address for contact purposes. The applicant should be able to periodically review the email account provided (including junk email folder) after submitting their application.

Corporation Address- The corporation address will provide the contact information for the headquarters office or contact person. This individual may or may not be the same person as in the application address; however, the system requires that both sections be completed in order to complete the application.

Corporation Information-In the corporate information section, the applicant will select the type of business entity they are established as (individual, corporation, partnership, or limited liability corporation). The applicant will then answer either yes or no for the four questions at the bottom of the page.

Business Professional Licenses- The applicant will enter professional licenses held by the company in the State of North Carolina. These licenses include the North Carolina General Contractor's License and the North Carolina Electrical License. Out of state licenses are not accepted on this form. With a few minor exceptions for highly specialized work, companies approved as a POC contractor are required to have a North Carolina General Contractor's License for Highway Work and/or a North Carolina Electrical License for electrical work on projects exceeding \$30,000. For federally funded projects, a company is allowed up to sixty days after award to obtain a North Carolina license. For state funded projects, a company is required to have a North Carolina license at the time of bid. Possession of these licenses is not required to become prequalified.

Owner Data- In the middle of the page the applicant will list all individuals or entities with at least 10% ownership in the business. Individuals or entities with less than 10% ownership may be listed separately on the form, or may be collectively listed as “Other”. The ownership total must equal 100% and at least one owner must be entered for the system to accept the data. After entering the ownership percentages, at the top of the page the applicant must disclose (yes or no) if there are any owners, officers, or employees in a decision making capacity related by blood or marriage to a current employee of the North Carolina Department of Transportation.

At the bottom of the page the applicant will list any owners or officers who have at least 10% financial interest in any other firm that is prequalified for highway work in any state, affiliated companies, or creditors with controlling interest in the last three questions, respectively.

Work Codes- The applicant will select work codes from the list they are actively self-performing. In reviewing applications, the Prequalification Section typically looks for three projects performed in the past five years. This work history will be identified in the work experience section of the application, or uploaded as a spreadsheet under “Additional Explanations” in the Attached Documents section of the application.

The work codes are listed numerically with the code numbers corresponding to the Section of the Standard Specifications for Roads and Structures Book which defines the work code. Some of the work codes are not listed in the Standard Specifications book, although a definition for each work code is included. For additional information on the work code, it is recommended that the applicant review the Standard Specifications Book.

Employee Data- The applicant will see a heading at the top of the page for officer information. The information should be listed for president, vice presidents, assistant vice presidents, secretary, assistant secretary, or their equivalents as applicable. The second heading below the officer section is for employees. Resumes for all officers and for the employees (typically superintendent level or higher) responsible for overseeing on-site operations must be included. Each resume can be uploaded in this section of the application.

Work Experience- The applicant will list work experience over the past five years. The Prequalification Section will review each work code selected to see that three projects of sufficient size and integrity have been performed in the past five years. While this is not a hard requirement for all work codes, applicants should try to include this number of projects for each work code and should only include projects directly related to the work they are requesting approval for.

The applicant will click the add project link on the middle of the page to add a project. When listing a project, the applicant will list a project name, start date, the applicant’s role in the project (as a prime contractor or a subcontractor), the type of work performed, and the location. The type of work field should list a description of the work codes being performed on the project or the work code numbers. For example, “earthwork” is not an acceptable description while “roadway grading, clearing and grubbing, and aggregate base course” is an acceptable description because it directly relates back to the work codes being requested. If the applicant is listing more than three work codes per project, it is recommended that the applicant use the check boxes in the work experience field or use a spreadsheet and attach them in the Attached Documents section.

Next, the applicant will identify the owner of the project or the company the work was performed for and their contact information. Finally, the applicant will provide the dollar amount the applicant was paid for their portion of the work (not the total dollar value of the contract unless the applicant self-performed all work on the project) and the project completion date/anticipated completion date or the estimated number of total man hours on the project.

Safety Questionnaire- The safety questionnaire page provides general information on how the safety index form is scored and what scores are considered satisfactory, marginal, and failing as well the measures taken to address marginal or failing safety scores.

Safety Questionnaire Page 1- The first page of the safety questionnaire gauges the company's approach and attitude towards safety and is worth a total of 5 points. If question one is checked "yes", the applicant will need to provide the front page (or cover page) of the written safety program document to receive credit for this question.

Safety Questionnaire Page 2- The second page of the safety questionnaire gauges the company's safety operating profile and is worth a total of 105 points.

For question one, enter the experience modification rate (EMR) received from your insurance carrier for the three most recent years you have available. If you do not qualify for an EMR rate, check the box on the right hand side for each year that the rate does not apply or at the bottom if the rate does not apply for any of the previous three years.

For question two, enter the number of injuries and illnesses for each of the last three years and the total number of hours worked by all employees during the calendar year from your company's OSHA 200/300 logs. If your company does not maintain OSHA 200/300 logs this information will have to be entered manually. Even if your company has no injuries or illnesses during the year, you are required to enter the total number of hours worked during each of the previous three years. When entering this information, do not use decimals for number of hours worked.

For questions three through six, if your company has been issued a citation for any of these violations please upload a copy in the Attached Documents section of the application under "Safety Index Supporting Documents" and enter the date(s) the citation(s) occurred. If this attachment has already been used in the current application, the citation(s) can be uploaded under "Additional Explanations".

Typical Work Locations- The applicant can select areas in which they wish to work. If the company wishes to work statewide, the applicant should press the "work statewide" button in the upper left-hand side. If the company wishes to select work locations by Division, there is a drop down menu in the upper right-hand side. To select work location by county, click the county on the map. The name of the county will appear in the lower left-hand side of the page. All counties selected on the map are for informational purposes only and your company will be allowed to perform projects anywhere in the state for the work codes which you have been approved.

The information provided will automatically appear on the Directory of Transportation Firms on our website. Other companies will be able to search by work code, by division, or by county. Providing this information presents an opportunity for other firms to contact you to perform work codes for them as part of their contracts.

Attached Documents- The applicant can select a number of documents for download including the Application Affidavit, Sample Bond Letter, W-9 Form, and an Equipment List Template. These documents are selected from the Standard Forms Available for Download drop-down menu at the bottom of the screen. When the appropriate document has been selected, press the download button.

After the document has been completed it must be saved as a .pdf file to be uploaded to the online system. When uploading the document, the applicant will select the type of file to upload in question one at the top of the page. After selecting the type of file being uploaded, the applicant will locate the file on their computer using the browse button in question two. When the file has been selected, the applicant will press the upload button in question three to upload the file to the online system. When the file has been uploaded it will appear under “Files Available for Viewing” in the middle of the page.

Application Summary- This is the final page the applicant will see before submitting the application. All information provided must be complete and accurate before submitting the application, as the applicant will not have the opportunity to access the online system and make any changes until after the application has been processed.

In addition to completing all sections of the online application, the following attachments are needed to complete the POC contractor application:

- Substitute W-9 form.
- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- A bond letter provided by a bonding agent or bonding company stating the company’s ability to be bonded for a minimum of \$500,000 if the company wishes to bid on projects in excess of \$500,000. If the company does not wish to bid on projects in excess of \$500,000 a bond letter is not required. The actual amount written on the bond letter will be the upper limit of the contract dollar value that the company can bid.
- Equipment List.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the “next” button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. To bid on purchase order contracts, a POC contractor must be prequalified on the date of the bid opening. To work as a subcontractor, a POC contractor must be prequalified on the day they show up to start work on the project. Prequalification is not required to attend pre-bid meetings.

When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the

Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

Subcontractor:

The company can either apply through the online application or complete a paper copy of the application. A paper copy of the application can be printed at <http://www.ncdot.org/business/howtogetstarted/subcontractor/>. Companies that do not have computer access can request a paper copy of the application by calling (919) 707-4800. The advantage of performing an online application is information is stored from previous years so that renewals and requalification in subsequent years will generally require less effort than completing an entire paper application.

Companies choosing to apply online can reach the application through the following link: <https://apps03.dot.state.nc.us/Vendor/Prequal>. Prior to applying for the first time, a firm must complete the NCID registration process in order to logon to the online application. The first step is for the applicant to select the type of account being created, either an individual account or a business account. The applicant will select a User ID, provide contact information, and select a password. In addition, the applicant will be required to select and answer at least five challenge questions in the event that the password is lost. Once the information has been entered, the applicant will receive an email from NCID at the email address provided in the NCID registration stating that the account has been created. The applicant will then go to log into the prequalification system at <https://apps03.dot.state.nc.us/Vendor/Prequal>. After logging into the system, the applicant should receive a message to submit information on the company's letterhead and fax it to the Prequalification Section. Once the required information is received, the applicant will receive a response from the Prequalification Section that the registration process is complete, at which time the applicant can begin the online application.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, subcontractor and private consultant. After selecting the subcontractor level of prequalification, the applicant will choose to create a new application. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

Application Address- In the first section, the application address, the applicant will provide the contact information for the person who will be contacted by the Prequalification Section if any additional information is needed to complete the application. It is important that the applicant provide a current phone number and email address for contact purposes. The applicant should also periodically review the junk email folder after submitting their application to make sure that correspondence has not been automatically discarded by their email provider.

Corporation Address- The corporation address will provide the contact information for the headquarters office or contact person. This individual may or may not be the same person as in the

application address; however, the system requires that both sections be completed in order to complete the application.

Corporation Information-In the corporate information section, the applicant will select the type of business entity they are established as (individual, corporation, partnership, or limited liability corporation). The applicant will then answer either yes or no for the four questions at the bottom of the page.

Owner Data- In the middle of the page the applicant will list all individuals or entities with at least 10% ownership in the business. Individuals or entities with less than 10% ownership may be listed separately on the form, or may be collectively listed as “Other”. The ownership total must equal 100% and at least one owner must be entered for the system to accept the data. After entering the ownership percentages, at the top of the page the applicant must disclose (yes or no) if there are any owners, officers, or employees in a decision making capacity related by blood or marriage to a current employee of the North Carolina Department of Transportation.

At the bottom of the page the applicant will list any owners or officers who have at least 10% financial interest in any other firm that is prequalified for highway work in any state, affiliated companies, or creditors with controlling interest in the last three questions, respectively.

Work Codes- The applicant will select work codes from the list they are actively self-performing. In reviewing applications, the Prequalification Section typically looks for three projects performed in the past five years. This work history will be identified in the work experience section of the application, or uploaded as a spreadsheet under “Additional Explanations” in the Attached Documents section of the application.

The work codes are listed numerically with the code numbers generally corresponding to the section of the Standard Specifications for Roads and Structures Book which defines the work code. Some of the work codes are not listed in the Standard Specifications book, although a definition for each work code is included. For additional information on the work code, it is recommended that the applicant review the Standard Specifications Book.

Employee Data- The applicant will see a heading at the top of the page for officer information. The information should be listed for president, vice presidents, assistant vice presidents, secretary, assistant secretary, or their equivalents as applicable. The second heading below the officer section is for employees. Resumes for all officers and for the employees (typically superintendent level or higher) responsible for overseeing on-site operations must be included. Each resume can be uploaded in this section of the application.

Work Experience- The applicant will list work experience over the past five years. The Prequalification Section will review each work code selected to see that three projects of sufficient size and integrity have been performed in the past five years. While this is not a hard requirement for all work codes, applicants should try to include this number of projects for each work code and should only include projects directly related to the work they are requesting approval for.

The applicant will click the add project link on the middle of the page to add a project. When listing a project, the applicant will list a project name, start date, the applicant’s role in the project (as a prime contractor or a subcontractor), the type of work performed, and the location. The type

of work field should list a description of the work codes being performed on the project or the work code numbers. For example, “earthwork” is not an acceptable description while “roadway grading, clearing and grubbing, and aggregate base course” is an acceptable description because it directly relates back to the work codes being requested. If the applicant is listing more than three work codes per project, it is recommended that the applicant use the check boxes in the work experience field or use a spreadsheet and attach them in the Attached Documents section.

Next, the applicant will identify the owner of the project or the company the work was performed for and their contact information. Finally, the applicant will provide the dollar amount the applicant was paid for their portion of the work (not the total dollar value of the contract unless the applicant self-performed all work on the project) and the project completion date/anticipated completion date or the estimated number of total man hours on the project.

Safety Questionnaire- The safety questionnaire page provides general information on how the safety index form is scored and what scores are considered satisfactory, marginal, and failing as well the measures taken to address marginal or failing safety scores.

Safety Questionnaire Page 1- The first page of the safety questionnaire gauges the company’s approach and attitude towards safety and is worth a total of 5 points. If question one is checked “yes”, the applicant will need to provide the front page (or cover page) of the written safety program document to receive credit for this question.

Safety Questionnaire Page 2- The second page of the safety questionnaire gauges the company’s safety operating profile and is worth a total of 105 points.

For question one, enter the experience modification rate (EMR) received from your insurance carrier for the three most recent years you have available. If you do not qualify for an EMR rate, check the box on the right hand side for each year that the rate does not apply or at the bottom if the rate does not apply for any of the previous three years.

For question two, enter the number of injuries and illnesses for each of the last three years and the total number of hours worked by all employees during the calendar year from your company’s OSHA 200/300 logs. If your company does not maintain OSHA 200/300 logs this information will have to be entered manually. Even if your company has no injuries or illnesses during the year, you are required to enter the total number of hours worked during each of the previous three years. When entering this information, do not use decimals for number of hours worked.

For questions three through six, if your company has been issued a citation for any of these violations please upload a copy in the Attached Documents section of the application under “Safety Index Supporting Documents” and enter the date(s) the citation(s) occurred. If this attachment has already been used in the current application, the citation(s) can be uploaded under “Additional Explanations”.

Typical Work Locations- The applicant can select areas in which they wish to work. If the company wishes to work statewide, the applicant should press the “work statewide” button in the upper left-hand side. If the company wishes to select work locations by Division, there is a drop down menu in the upper right-hand side. To select work location by county, click the county on the map. The name of the county will appear in the lower left-hand side of the page. All counties

selected on the map are for informational purposes only and your company will be allowed to perform projects anywhere in the state for the work codes which you have been approved.

The information provided will automatically appear on the Directory of Transportation Firms on our website. Other companies will be able to search by work code, by division, or by county. Providing this information presents the opportunity for other firms to contact you to perform work codes for them as part of their contracts.

Attached Documents- The applicant can select a number of documents for download including the Application Affidavit, W-9 Form, and an Equipment List Template. These documents are selected from the Standard Forms Available for Download drop-down menu at the bottom of the screen. When the appropriate document has been selected, press the download button.

After the document has been completed it must be saved as a .pdf file to be uploaded to the online system. When uploading the document, the applicant will select the type of file to upload in question one at the top of the page. After selecting the type of file being uploaded, the applicant will locate the file on their computer using the browse button in question two. When the file has been selected, the applicant will press the upload button in question three to upload the file to the online system. When the file has been uploaded it will appear under “Files Available for Viewing” in the middle of the page.

Application Summary- This is the final page the applicant will see before submitting the application. All information provided must be complete and accurate before submitting the application, as the applicant will not have the opportunity to access the online system and make any changes until after the application has been processed.

In addition to completing all sections of the online application, the following attachments are needed to complete subcontractor application:

- Substitute W-9 form.
- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Equipment List.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the “next” button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. Prime contractors must be approved in order to enter a central let bid through the Bid Express System. To bid on purchase order contracts, a prime contractor must be prequalified on the date of the bid opening. To work as a subcontractor, a prime contractor must be prequalified on the day they show up to start work. Prequalification is not required to attend pre-bid meetings or to place bids.

When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

Private Engineering Firm:

The firm must apply online through the link <https://apps03.dot.state.nc.us/Vendor/Prequal>. Prior to applying for the first time, a firm must complete the registration process in order to logon to the online application.

All firms that desire to perform work in North Carolina must submit a separate application for each office with the exception of firms requesting approval for all North Carolina offices under one application. The decision to apply all North Carolina offices rests with the firm. No out of state offices will be considered part of an application with an in state office under any circumstances.

To begin the application process, the firm must apply online through the link at <https://apps03.dot.state.nc.us/Vendor/Prequal>. Prior to applying for the first time, a firm must complete the NCID registration process in order to logon to the online application. The first step is for the applicant to select the type of account being created, either an individual account or a business account. The applicant will select a User ID, provide contact information, and select a password. In addition, the applicant will be required to select and answer at least five challenge questions in the event that the password is lost. Once the information has been entered, the applicant will receive an email from NCID at the email address provided in the NCID registration stating that the account has been created. The applicant will then go to log into the prequalification system at <https://apps03.dot.state.nc.us/Vendor/Prequal>. After logging into the system, the applicant should receive a message to submit information on the company's letterhead and fax it to the Prequalification Section. Once the required information is received, the applicant will receive a response from the Prequalification Section that the registration process is complete, at which time the applicant can begin the online application.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, subcontractor and private consultant. After selecting the private consultant level of prequalification, the applicant will choose to create a new application. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

Application Address- In the first section, the application address, the applicant will provide the contact information for the person who will be contacted by the Prequalification Section if any additional information is needed to complete the application. It is important that the applicant provide a current phone number and email address for contact purposes. The applicant should also periodically review the junk email folder after submitting their application to make sure that correspondence has not been automatically discarded by their email provider.

Corporation Address- The corporation address will provide the contact information for the headquarters office or contact person. This individual may or may not be the same person as in the application address; however, the system requires that both sections be completed in order to complete the application.

Corporation Information-In the corporate information section, the applicant will select the type of business entity they are established as (individual, corporation, partnership, or limited liability corporation). The applicant will then answer either yes or no for the four questions at the bottom of the page.

The firm is also required to register with the North Carolina Secretary of State's Office prior to submitting an application. For firms that have completed this process, they will enter their registration number in the appropriate box. For those firms who have not registered, further information about the registration process, firms can visit <http://www.secretary.state.nc.us/corporations/> or call 919-807-2225.

Business Professional Licenses- The applicant will enter the firm's professional licenses that correspond to the disciplines that will be selected under the desired disciplines tab. The system is designed to require certain licenses for certain disciplines. The system will not allow an application to be submitted for these certain disciplines without the required corresponding license. A firm performing engineering services must have at least one Professional Engineer License in North Carolina.

Owner Data- In the middle of the page the applicant will list all individuals or entities with at least 10% ownership in the business. Individuals or entities with less than 10% ownership may be listed separately on the form, or may be collectively listed as "Other". The ownership total must equal 100% and at least one owner must be entered for the system to accept the data. After entering the ownership percentages, at the top of the page the applicant must disclose (yes or no) if there are any owners, officers, or employees in a decision making capacity related by blood or marriage to a current employee of the North Carolina Department of Transportation.

At the bottom of the page the applicant will list any owners or officers who have at least 10% financial interest in any other firm that is prequalified for highway work in any state, affiliated companies, or creditors with controlling interest in the last three questions, respectively.

Desired Disciplines- The applicant will see a drop down menu in the middle of the page under the heading of "Branch". The drop down menu will have a listing of NCDOT branches. The branches will correspond to a Division or Branch within the Department that is responsible for managing or performing this type of work. Upon selecting a branch, a heading of "discipline" will appear and subheadings for one or more units will appear as a shaded line. Each subheading will have a number of specific disciplines that contain a checkbox. The applicant will select the desired number of checkboxes under each branch and discipline they wish to be approved for. A list of what disciplines are performed under each branch and unit as well as the requirements to be approved for each discipline are listed.

Employee Data- The applicant will see a heading at the top of the page for officer information. The information should be listed for president, vice presidents, assistant vice presidents, secretary, assistant secretary, or their equivalents as applicable. The second heading below the officer section

is for employees. In this section, each employee of the firm performing work on any of the requested disciplines must be listed. Resumes for all officers and for the employees (typically superintendent level or higher) responsible for overseeing on-site operations must be included. Each resume can be uploaded in this section of the application.

Work Experience- The applicant will list work experience over the past five years. The Prequalification Section will review each work code selected to see that three projects of sufficient size and integrity have been performed in the past five years. While this is not a hard requirement for all work codes, applicants should try to include this number of projects for each work code and should only include projects directly related to the work they are requesting approval for.

The applicant will click the add project link on the middle of the page to add a project. When listing a project, the applicant will list a project name, start date, the applicant's role in the project (as a prime contractor or a subcontractor), the type of work performed, and the location. The type of work field should list a description of the work codes being performed on the project or the work code numbers. For example, "earthwork" is not an acceptable description while "roadway grading, clearing and grubbing, and aggregate base course" is an acceptable description because it directly relates back to the work codes being requested. If the applicant is listing more than three work codes per project, it is recommended that the applicant use the check boxes in the work experience field or use a spreadsheet and attach them in the Attached Documents section.

Next, the applicant will identify the owner of the project or the company the work was performed for and their contact information. Finally, the applicant will provide the dollar amount the applicant was paid for their portion of the work (not the total dollar value of the contract unless the applicant self-performed all work on the project) and the project completion date/anticipated completion date or the estimated number of total man hours on the project.

Attached Documents- The applicant can select a number of documents for download including the Application Affidavit, Non-Collusion Affidavit (there are separate forms for Individuals, Corporations, Joint Ventures, LLC's, and Partnerships), Sample Bond Letter, W-9 Form, Reference Form, Financial Statement Template, and an Equipment List Template. These documents are selected from the Standard Forms Available for Download drop-down menu at the bottom of the screen. When the appropriate document has been selected, press the download button.

After the document has been completed it must be saved as a .pdf file to be uploaded to the online system. When uploading the document, the applicant will select the type of file to upload in question one at the top of the page. After selecting the type of file being uploaded, the applicant will locate the file on their computer using the browse button in question two. When the file has been selected, the applicant will press the upload button in question three to upload the file to the online system. When the file has been uploaded it will appear under "Files Available for Viewing" in the middle of the page.

Application Summary- This is the final page the applicant will see before submitting the application. All information provided must be complete and accurate before submitting the application, as the applicant will not have the opportunity to access the online system and make any changes until after the application has been processed.

In addition to completing all sections of the online application, the following attachments are needed to complete the private engineering firm application:

- Substitute W-9 form.
- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Current financial statement (either independently reviewed statement or completed using the form provided in the attached documents section of the application).

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the “next” button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

RENEWAL/REQUALIFICATION PROCESS

All contractors/engineering firms are required to renew their application on an annual basis. Every third year the contractor/engineering firm will be required to requalify. The requalification process is a more thorough review process requiring additional information detailed below that assesses a company’s current ability to perform the work. Reminder letters are sent by the Prequalification Section approximately two months before the company’s prequalification status expires. The letter will specify whether the company is due for a renewal or a requalification.

Application Information

Prime Bidder:

The company must apply online through the link at <https://apps03.dot.state.nc.us/Vendor/Prequal>. When logging into the online system, the applicant will enter the username and password that was created when the account was established. If the applicant does not have the password for the username, the applicant can attempt to recover the password by answering challenge questions from when the account was established. This is done by clicking the “Forgot Your Password” link at the bottom of the login screen. If the password recovery is not successful, or the applicant has forgotten the username, the applicant will have to re-register with NCID by clicking the “new user” link below the login. We do not have the ability to recover or reset passwords for the applicant over the phone. The process for registering with NCID is described on page two of the document.

When the registration process is complete and/or the applicant enters the online application at <https://apps03.dot.state.nc.us/Vendor/Prequal> the applicant is taken to the landing page. On this page the company profile created in previous application(s) should be visible. If not, the applicant should enter the company's Tax ID or Social Security Number into the Tax ID field and press the "Lookup Button". If the company profile appears, click on the profile to continue the application process. If the company profile does not appear, click the "create new location" link on the right-hand side of the page. If the company profile appears, but the address has changed, DO NOT create a new location. The address information is modified on the application address and corporate address tabs within the application. Creating a new location to modify an address will require the applicant to unnecessarily create an entirely new application and will increase the processing time by the Prequalification Section.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor and private consultant. By selecting bidder, a prime contractor is able to perform work as a POC contractor or a subcontractor; there is no need to select these additional levels of prequalification.

After selecting the prime contractor level of prequalification, the applicant will choose to create a new application or, if an application has already been started but not submitted, modify an existing application. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

The tabs in the application will be filled out in the same manner as they were during the initial online application. The applicant should:

- Verify that all contact information has remained the same from previous submittal(s) in the application address and corporation address sections or make necessary changes.
- Add license numbers and/or update the expiration date for any professional licenses that the company has.
- Verify that the ownership information and percentages remain the same or make necessary changes.
- Check off any new work codes requested or delete work codes that the company no longer self-performs.
- Add or delete officer and employee names and resumes as appropriate.
- Update work experience.
- Complete the safety questionnaire with current information.
- Update any changes in desired work locations.
- Upload attached documents as necessary.

Renewal Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the prime contractor renewal application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Non-Collusion Affidavit and Debarment Certification (we must have the original copy mailed to us). For corporations, the applicant must make sure that the appropriate titles are circled for officers signing the affidavit and that the corporate seal is affixed to the document.
- Work experience for new work codes only. If adding new work codes, the applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.
- Equipment List for new work codes only.

Requalification Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the prime contractor requalification application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Non-Collusion Affidavit and Debarment Certification (we must have the original copy mailed to us). For corporations, the applicant must make sure that the appropriate titles are circled for officers signing the affidavit and that the corporate seal is affixed to the document.
- Work experience for all work codes (including previously approved work codes). The applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.
- Equipment List for all work codes.
- A bond letter provided by a bonding agent or bonding company stating the company's ability to be bonded for a minimum of \$500,000. The actual amount written on the bond letter will be the upper limit of the contract dollar value that the company can bid.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the "next" button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This

information is available through the following link:
<https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

POC Contractor:

The company can either apply through the online application or complete a paper copy of the application. A paper copy of the application can be printed at http://www.ncdot.org/business/howtogetstarted/primecontractor/primecontractor_poc/.

Companies that do not have computer access can request a paper copy of the application by calling (919) 707-4800. The advantage of performing an online application is information is stored from previous years so that renewals and requalification in subsequent years will generally require less effort than completing an entire paper application.

Companies choosing to apply online can reach the application through the following link: <https://apps03.dot.state.nc.us/Vendor/Prequal>. If the applicant is renewing, but has never used the online system, please follow the steps for online registration shown on page seven. For applicants who have already registered online, they will enter the username and password that was created when the account was established. If the applicant does not have the password for the username, the applicant can attempt to recover the password by answering challenge questions from when the account was established. This is done by clicking the “Forgot Your Password” link at the bottom of the login screen. If the password recovery is not successful, or the applicant has forgotten the username, the applicant will have to re-register with NCID by clicking the “new user” link below the login. We do not have the ability to recover or reset passwords for the applicant over the phone. The process for registering with NCID is described on page seven of the document.

When the registration process is complete and/or the applicant enters the online application at <https://apps03.dot.state.nc.us/Vendor/Prequal> the applicant is taken to the landing page. On this page the company profile created in previous application(s) should be visible. If not, the applicant should enter the company’s Tax ID or Social Security Number into the Tax ID field and press the “Lookup Button”. If the company profile appears, click on the profile to continue the application process. If the company profile does not appear, click the “create new location” link on the right-hand side of the page. If the company profile appears, but the address has changed, DO NOT create a new location. The address information is modified on the application address and corporate address tabs within the application. Creating a new location to modify an address will require the applicant to unnecessarily create an entirely new application and will increase the processing time by the Prequalification Section.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor and private consultant. By selecting POC contractor, a POC contractor is able to perform work as a subcontractor; there is no need to select this additional level of prequalification.

After selecting the POC level of prequalification, the applicant will choose to create a new application or, if an application has already been started but not submitted, modify an existing application. Upon making this selection, the applicant will press the “next” button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of

the application. In order to complete the application, the applicant will need press the “next” button in the lower right side of each screen as they go through the application.

The tabs in the application will be filled out in the same manner as they were during the initial online application. The applicant should:

- Verify that all contact information has remained the same from previous submittal(s) in the application address and corporation address sections or make necessary changes.
- Add license numbers and/or update the expiration date for any professional licenses that the company has.
- Verify that the ownership information and percentages remain the same or make necessary changes.
- Check off any new work codes requested or delete work codes that the company no longer self –performs.
- Add or delete officer and employee names and resumes as appropriate.
- Update work experience.
- Complete the safety questionnaire with current information.
- Update any changes in desired work locations.
- Upload attached documents as necessary.

Renewal Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the POC contractor renewal application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for new work codes only. If adding new work codes, the applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.
- Equipment List for new work codes only.

Requalification Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the POC contractor requalification application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for all work codes (including previously approved work codes). The applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.

- Equipment List for all work codes.
- A bond letter provided by a bonding agent or bonding company stating the company's ability to be bonded for a minimum of \$500,000 if the company wishes to bid on projects in excess of \$500,000. If the company does not wish to bid on projects in excess of \$500,000 a bond letter is not required. The actual amount written on the bond letter will be the upper limit of the contract dollar value that the company can bid.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the "next" button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. The average review time for prequalification applications is approximately two weeks. To bid on purchase order contracts, a POC contractor must be prequalified on the date of the bid opening. To work as a subcontractor, a POC contractor must be prequalified on the day they show up to start work on the project. Prequalification is not required to attend pre-bid meetings.

When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

Subcontractor:

The company can either apply through the online application or complete a paper copy of the application. A paper copy of the application can be printed at <http://www.ncdot.org/business/howtogetstarted/subcontractor/>. Companies that do not have computer access can request a paper copy of the application by calling (919) 707-4800. The advantage of performing an online application is information is stored from previous years so that renewals and requalification in subsequent years will generally require less effort than completing an entire paper application.

Companies choosing to apply online can reach the application through the following link: <https://apps03.dot.state.nc.us/Vendor/Prequal>. If the applicant is renewing, but has never used the online system, please follow the steps for online registration shown on page seven. For applicants who have already registered online, they will enter the username and password that was created when the account was established. If the applicant does not have the password for the username, the applicant can attempt to recover the password by answering challenge questions from when the account was established. This is done by clicking the "Forgot Your Password" link at the bottom of the login screen. . If the password recovery is not successful, or the applicant has forgotten the username, the applicant will have to re-register with NCID by clicking the "new user" link below the login. We do not have the ability to recover or reset passwords for the applicant

over the phone. The process for registering with NCID is described on page eleven of the document.

When the registration process is complete and/or the applicant enters the online application at <https://apps03.dot.state.nc.us/Vendor/Prequal> the applicant is taken to the landing page. On this page the company profile created in previous application(s) should be visible. If not, the applicant should enter the company's Tax ID or Social Security Number into the Tax ID field and press the "Lookup Button". If the company profile appears, click on the profile to continue the application process. If the company profile does not appear, click the "create new location" link on the right-hand side of the page. If the company profile appears, but the address has changed, DO NOT create a new location. The address information is modified on the application address and corporate address tabs within the application. Creating a new location to modify an address will require the applicant to unnecessarily create an entirely new application and will increase the processing time by the Prequalification Section.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor and private consultant. After selecting the subcontractor level of prequalification, the applicant will choose to create a new application or, if an application has already been started but not submitted, modify an existing application. Upon making this selection, the applicant will press the "next" button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the "next" button in the lower right side of each screen as they go through the application.

The tabs in the application will be filled out in the same manner as they were during the initial online application. The applicant should:

- Verify that all contact information has remained the same from previous submittal(s) in the application address and corporation address sections or make necessary changes.
- Verify that the ownership information and percentages remain the same or make necessary changes.
- Check off any new work codes requested or delete work codes that the company no longer self –performs.
- Add or delete officer and employee names and resumes as appropriate.
- Update work experience.
- Complete the safety questionnaire with current information.
- Update any changes in desired work locations.
- Upload attached documents as necessary.

Renewal Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the subcontractor renewal application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for new work codes only. If adding new work codes, the applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.
- Equipment List for new work codes only.

Requalification Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the subcontractor requalification application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for all work codes (including previously approved work codes). The applicant should try to provide at least three projects per work code that have been self-performed in the past five years. This information should be provided as detailed in the Work Experience section on page four.
- Equipment List for all work codes.

The application summary page contains a listing at the top of the page showing each of the pages in the online application. In order to successfully submit the application, each of the pages must be checked complete. If any of the pages are showing as incomplete, the applicant will need to click on the page, review the page to verify that all required information has been completed, and select the “next” button at the lower right-hand side of the page to continue.

Once the application has been submitted, every effort will be made to complete the review within four weeks. To work as a subcontractor, prequalification must be obtained prior to the day the company shows up to start work on the project. Prequalification is not required to attend pre-bid meetings or to place bids.

When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved work codes. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

Private Engineering Firm:

The company must apply online through the link at <https://apps03.dot.state.nc.us/Vendor/Prequal>. When logging into the online system, the applicant will enter the username and password that was created when the account was established. If the applicant does not have the password for the username, the applicant can attempt to recover the password by answering challenge questions from when the account was established. This is done by clicking the “Forgot Your Password” link

at the bottom of the login screen. If the password recovery is not successful, or the applicant has forgotten the username, the applicant will have to re-register with NCID by clicking the “new user” link below the login. We do not have the ability to recover or reset passwords for the applicant over the phone. The process for registering with NCID is described on page fourteen of the document.

When the registration process is complete and/or the applicant enters the online application at <https://apps03.dot.state.nc.us/Vendor/Prequal> the applicant is taken to the landing page. On this page the company profile created in previous application(s) should be visible. If not, the applicant should enter the company’s Tax ID or Social Security Number into the Tax ID field and press the “Lookup Button”. If the company profile appears, click on the profile to continue the application process. If the company profile does not appear, click the “create new location” link on the right-hand side of the page. If the company profile appears, but the address has changed, DO NOT create a new location. The address information is modified on the application address and corporate address tabs within the application. Creating a new location to modify an address will require the applicant to unnecessarily create an entirely new application and will increase the processing time by the Prequalification Section.

When entering the online application, the applicant will select what level of prequalification they would like between bidder, POC contractor, subcontractor and private consultant. After selecting the private consultant level of prequalification, the applicant will choose to create a new application or, if an application has already been started but not submitted, modify an existing application. Upon making this selection, the applicant will press the “next” button in the lower right side of the screen. The applicant will then be brought to the main page within the application. The applicant should notice the tabs on the left side of the screen that are each of the sections of the application. In order to complete the application, the applicant will need press the “next” button in the lower right side of each screen as they go through the application.

The tabs in the application will be filled out in the same manner as they were during the initial online application. The applicant should:

- Verify that all contact information has remained the same from previous submittal(s) in the application address and corporation address sections or make necessary changes.
- Add license numbers and/or update the expiration date for any professional licenses that the company has.
- Verify that the ownership information and percentages remain the same or make necessary changes.
- Check off any new desired disciplines requested or delete desired disciplines that the company no longer self –performs.
- Add or delete officer and employee names and resumes as appropriate.
- Update work experience.
- Upload attached documents as necessary.

Renewal Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the subcontractor renewal application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for new desired disciplines only. The work experience is provided in the resumes of the employee data page. At least one employee must be assigned to each discipline requested.

Requalification Application Checklist-

In addition to completing all sections of the online application, the following information is needed to complete the subcontractor requalification application:

- Application Affidavit (the applicant can upload the affidavit if the notary uses an ink seal, the original must be mailed if a crimp seal is used).
- Work experience for all desired disciplines. The work experience is provided in the resumes of the employee data page. At least one employee must be assigned to each discipline requested.

Once the application has been submitted, every effort will be made to complete the review within four weeks. When the application review has been completed, a letter will be mailed to the address listed on the application with the prequalification approval or denial and the list of approved disciplines. Applicants desiring a more immediate update on the status of their application may check the Directory of Transportation Firms to see if their application has been processed. This information is available through the following link <https://partner.ncdot.gov/VendorDirectory/search.html?s=fn&a=new>.

MIDYEAR APPLICATION CHANGES

Applicants who desire to make changes to their application during more than two months prior to their expiration date will complete an application change. Application changes are typically done to become prequalified for new work codes (contractors) or disciplines (private engineering firms).

When applying for new work codes or disciplines, the applicant will follow the same procedure outlined in their respective renewal application except that they will only be providing the requested work codes and the corresponding equipment used to perform those work codes. If adding work codes via the online application, applicants should not uncheck the codes that are already checked off (this would then delete these codes from the list of approved codes). The applicant does not need to provide affidavits, bond letters, license information, etc. for application changes unless specifically requested by the Prequalification Section.

DENIED APPLICATIONS OR WORK CODES

Applicants whose application has been denied may reapply at any time. If the applicant received a letter denying their application entirely, the applicant should be prepared to address the issues identified in the letter as a part of their subsequent submittal.

APPENDIX C – PROPRIETARY PROCEDURES

PROCEDURES FOR USING PROPRIETARY ITEMS ON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECTS GOVERNED BY CFR Title 23 Highways – §635.411 OR NC GENERAL STATUTES – §133-3

July 2017

North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) encourage competition in project lettings. To further assure that the NCDOT, municipalities and counties using *federal or state funds*, comply with the appropriate regulations, this information and process is being brought to your attention. **These requirements apply to any entity advertising projects through NCDOT, using Federal or State Funds governed by CFR Title 23 Highways – §635.411 or NC General Statutes – §133-3.** The purpose of these statutes is to mandate and encourage free and open competition on public contracts.

Through the Stewardship and Oversight Agreement between NCDOT and the NC Division of the FHWA, NCDOT has been given the responsibility to approve the use of proprietary products and processes.

Engineers have an inherent duty to use generic products instead of simply specifying proprietary products. If proprietary items are used, procedures within this document must be followed. Using the procedures shown herein is time consuming, limits competition and does not guarantee that the proprietary product will be approved for use on a project funded by the FHWA or by NCDOT or a combination of funds from these sources.

The links below are valuable sources of information on proprietary items using state and federal funds. Note that the information in the links below will not be repeated in this document.

Construction Program Guide:

<http://www.fhwa.dot.gov/construction/cqit/propriet.cfm>

Questions and Answers Regarding Title 23 CFR 635.411:

<http://www.fhwa.dot.gov/programadmin/contracts/011106qa.cfm>

Federal Memorandum on Guidance on Patented and Proprietary Product Approvals:

<http://www.fhwa.dot.gov/programadmin/contracts/011106.cfm>

Code of Federal Regulation (CFR 635.411):

<http://www.gpo.gov/fdsys/pkg/CFR-2014-title23-vol1/pdf/CFR-2014-title23-vol1-sec635-411.pdf>

State General Statute §133-3:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_133/GS_133-3.pdf

There are only four ways that a proprietary item can be incorporated into a project with the aforementioned *federal or state funding*. One of the four conditions and procedures represented

in this document must be used to *request approval* for use of a proprietary item. Should a proprietary item be approved for use, the State Value Management Engineer (valuemanagementunit@ncdot.gov or 919-707-4810) and the State Contract Officer (919-707-6900) shall be notified so this information can be tracked and published on the Product Evaluation Program website, <https://connect.ncdot.gov/resources/Products/Pages/default.aspx>.

1. COMPETITIVE BIDDING:

The proprietary product is obtained through competitive bidding with other suitable proprietary and non-proprietary products available. Efforts must be made to find or write a generic Specification that will not eliminate all but one product. In other words, do not make the generic Specification so specific that it will allow only one product. If generic Specifications are not available or are too complicated to write, list a minimum of two like proprietary items and the term “*or approved equal.*” Approved equal means that a product not listed may be used if it has the same properties and it meets the Engineer’s approval. Depending on the product, the Engineer may request input from the design unit most familiar with the product and from the Materials and Tests Unit before giving approval. (Example: Sign Sheeting would be reviewed by the Signing Unit and Materials and Tests Unit.) Approval obtained for use is for the one project only.

Example language: *Use Item A, Item B or an approved equal.* Show the same information for each product, such as the website and telephone number. To avoid favoritism, list items in alphabetical order.

Caution: Approval of a specific proprietary item on one project is not a blanket approval that can be used any time or any location without further approval. These steps must be taken for *each proprietary item, in each project, each time used.*

2. ESSENTIAL FOR SYNCHRONIZATION with existing highway facilities or A UNIQUE PRODUCT FOR WHICH THERE IS “NO EQUALLY SUITABLE ALTERNATE”:

An effort must be made to find interchangeable, compatible generic products to work with the existing product. If there are none available, the requester must prove there is *no equally suitable alternate*. Justification should consist of function, aesthetics, logistics or a combination, through engineering judgment, economic considerations, product availability and compatibility as to why no other product would work to benefit the public. *Each proprietary item must be addressed separately.*

This avenue requires a Certification. A Certification is used if a product is essential for synchronization or if the agency specifies a unique product for which no equally suitable alternative exists.

- a. **Outside NCDOT:** The entity requesting the item must have the City Engineer or their Consultant (whoever seals the plans) develop the justification and sign and submit the letter of request at least 3-6 months prior to project letting. The letter with the justification must be submitted to the appropriate NCDOT Division Engineer or Director, requesting the use of this product. The NCDOT approving authority will send

written approval or denial within 30 days of receipt of the request. This documentation will be added to the permanent project files.

- b. Within NCDOT:** The entity within NCDOT must use generic products if possible. If it is not possible, the NCDOT unit must supply justification as to why generic products cannot be used. At least 3-6 months prior to project letting, a letter with the justification must be signed by the Unit Head, Division Engineer or Director and kept with the permanent project files. These records must be readily available in case of a request or an audit.

Example: Adding traffic signal equipment to an existing traffic signal system requiring specific (proprietary) product compatibility.

Caution: If the product is contested by a vendor, or the project is reviewed by FHWA-NC or audited by an outside auditor and finds there is another product available that could be used in lieu of the requested product, and the justification is not sufficient, the certifying entity runs the risk of losing federal funds for that part of the project.

**3. RESEARCH, TEST OR EXPERIMENTAL project:
(This option is not available outside of NCDOT)**

If a NCDOT manager, supervisor or designer feels strongly enough that a proprietary item has more favorable characteristics than any other product available for their project, that entity may develop a *proposal* and *workplan* with experimental testing, control sections, and justification, for application to the NCDOT Research and Development Manager (Telephone: 919.508.1790). There is an example application which could serve as a guide for developing a proposal and workplan in the appendix of this document. The package must be submitted at least 12–18 months prior to letting. This is not a process to be entered into frivolously as a great deal of time, effort and costs are expended by the NCDOT Research and Development Unit when developing a research, test or experimental project. After review of the submitted proposal and workplan, the NCDOT Research and Development Manager will send their written decision to the applicant to approve or deny the proprietary product as a test project. Approval or denial will be made solely by the Office of Research and Development. Submit copy of approval letter from Research and Development Unit with the project submission for letting.

Review this information before submitting a request for a federally funded experimental project. <http://www.fhwa.dot.gov/programadmin/contracts/expermnt.cfm>

4. PUBLIC INTEREST FINDING:

If a NCDOT manager, supervisor or designer, City or Municipality feels there is no other product that would work as well as a proprietary item, that entity must justify that this item is the most acceptable choice of product by developing a Public Interest Finding (PIF) request. A PIF is used if the agency elects to require a specific product when other acceptable products are available. The request shall include a description of how the proprietary product requirement will benefit the public, why this product is the only product that would serve the need, and an evaluation of this product to the pool of other

equally acceptable products. Supporting material should include engineering judgment and economic considerations, product availability and compatibility, logistical concerns and considerations unique to the product. It could include credible research from other states, if applicable. It cannot be based on opinion.

- a. **Outside NCDOT:** After preparing the Public Interest Finding request, submit to the appropriate design unit, and the Materials and Tests Unit within NCDOT for their review and input. After input has been received, reviewed and incorporated into the PIF, send the package with a letter signed by the City Manager, City Engineer or Consultant that sealed the plans, to the Division Engineer at least 12-24 months prior to the anticipated letting of the project. The Division Engineer will return the approval or denial in writing to the requestor within 90 days of receipt of the request. The requestor must provide a copy of the approval letter upon request to any entity providing any funding for the project. A copy of the PIF and all backup data must be kept as part of the permanent project files.
- b. **Within NCDOT:** Initially, the applicant must contact the NCDOT Research and Development Manager (Telephone: 919.508.1790) to determine if this product has been used previously in any area of the State as a research/test/experimental product. If it is verified in writing by the Research and Development Manager that it has not been used in an NCDOT project, proceed with the following:

After preparing the Public Interest Finding request, submit to the appropriate design unit, and the Materials and Tests Unit within NCDOT for their review and input. After input has been received, reviewed and incorporated into the PIF, send the package with a letter signed by the Division Engineer or Unit Head that sealed the plans, to the Chief Engineer at least 12-24 months prior to the anticipated letting of the project. The Chief Engineer will return the approval or denial in writing to the requestor within 90 days. The requestor must send the approval letter to the State Contract Officer when the project is submitted for letting. A copy of the PIF and all backup data will become part of the permanent project files.

Caution: The approval for use of a proprietary item based on a public interest finding is incredibly rare.

PRODUCT EVALUATION PROGRAM

The [Product Evaluation Program \(PEP\)](#) is a valuable service offered by NCDOT to assist vendors when submitting their unique products for consideration for use on NCDOT projects. The NCDOT designer may work with the PEP Engineer to have a specific product evaluated and *possibly* used in a test site on their project. When the evaluating and testing period is complete, and *if* the proprietary item is approved for use, the same conditions apply for its use as any other proprietary item. For more information on Product Evaluation Program, contact the Product Evaluation Program Engineer at 919.707.4808 or productevaluation@ncdot.gov. If the product is used through the PEP, submit a copy of the PEP transmittal letter to State Contract Officer, when the plans and Special Provisions are submitted for bid letting.

E. PROPRIETARY ITEMS ON FEDERALLY FUNDED AND STATE FUNDED PROJECTS OVERVIEW

Type	Time Required	Approval Level	Documentation Required	Special Instructions	Caution
Generic	None	None	Standard Specifications, Project Special Provisions	May require certifications as specified in Article 106-3 of the <i>Standard Specifications</i>	None, most preferred method
Proprietary Items	1 hour to 1 week	State Contract Office State Contract Officer	Copy of data on at least 2 similar proprietary items or products	Write as <i>Item A</i> , <i>Item B</i> or <i>Approved Equal</i>	Approval is project-specific and site-specific. If an approved equal is submitted in lieu of listed items, the Engineer will determine if the submission is an <i>approved equal</i> .
Essential for Synchronization or No Equally Suitable Alternate	3-6 months prior to letting	Division Engineer	Letter of Justification signed by Designer or City Engineer (whoever seals the plans) <i>AND</i> the Division Engineer (Certification)	A copy of the justification letter will become part of the permanent project file.	If contested by a vendor, or audited and another product could be used, the entity runs the risk of losing funding for that product.
Research/Test/Experimental Project (NCDOT only)	12-18 months prior to letting	FHWA-NCDOT Authority granted to NCDOT under Stewardship and Oversight Agreement Research and Development Manager	Proposal and workplan, submitted to the Office of Research and Development, with signed verification from the Designer or Consultant that sealed the plans <i>AND</i> the Division Engineer.	A copy of the Proposal and Workplan, w/documentation will become part of the permanent project file.	Will not be approved if there is an on-going NCDOT research project or there has been an NCDOT research project on this product. Proposal and workplan must be fully justified with engineering judgment, statistics and credible research from other states or entities; approval or denial of research project is made solely by the Office of Research and Development.

**PROPRIETARY ITEMS ON FEDERALLY FUNDED AND STATE FUNDED PROJECTS
OVERVIEW (continued)**

Type	Time Required	Approval Level	Documentation Required	Special Instructions	Caution
Public Interest	12-24 months prior to letting	FHWA-NCDOT Authority granted to NCDOT under Stewardship and Oversight Agreement Chief Engineer	Public Interest Finding, including justification, verification letter from NCDOT Research and Development, comments from affected unit and Materials and Tests Unit, signed verification from the City Engineer or Consultant that sealed the plans <i>AND</i> the Division Engineer, Unit Head or Director.	A copy of the PIF package will become part of the permanent project file.	This is an incredibly rare approval; if denied, and used anyway, federal and state funding will be lost for that portion of the project
Product Evaluation Program	Varies	NCDOT Technical Working Group, PEP Engineer	Product is evaluated and decision is made by a Technical Working Group.	Product is submitted by the vendor or manufacturer	If product is approved for use, it may be added to an approved list or qualified list. Products on an approved or qualified list must be shown as 3 items and approved equal.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

F. **CALL FOR NEW RESEARCH IDEA**

Your Name:

DATE:

Branch / Unit:

TITLE of your Research Idea:

Background:

What is the Specific Problem or Issue?

List Research Objectives and Tasks:

What Would be the Product[s] of the Research?

(Note: Progress reports and the Final report are **NOT** considered a "product," but "deliverables.")

How Will You or Others Use the Product[s]?

How Will the Product Benefit the Department?

(e.g., increase operational efficiency, decrease costs, enhance safety, etc. Indicate short term and/or long term benefit)

Other Comments:

Approval (Division official or Unit Head)

Print Name

Signature

Title

Please FAX, Mail, or email to: Neil Mastin, PE, Research and Development Unit

104 Fayetteville Street, Rm. 268
1549 Mail Service Center
Raleigh, NC 27699-1549

FAX: (919) 715-0137
Phone: (919) 508-1790
email: jmastin@ncdot.gov

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
**PROPRIETARY ITEM - CERTIFICATIONS OR FINDING IN THE
PUBLIC INTEREST (FIPI)**

INSTRUCTIONS:

A specific patented or proprietary material, specification, or process shall not be required on a contract except as permitted under the Procedures for Using Proprietary Items on NCDOT Projects Governed by CFR Title 23 Highways §635.411 or the NC General Statutes §133-3. Use this form to obtain approval of the use of a proprietary feature on a project or group of projects.

NAME OF PROPRIETARY ITEM OR PROCESS: _____

MANUFACTURER NAME, ADDRESS & PHONE NUMBER: _____

LOCATION OF USE (INCLUDE PROJECT NO. AND COUNTY): _____

CHECK ONLY ONE:

- Proprietary Item: Requires copy of data on at least 2 similar proprietary items or products. (Approval level is the State Contract Officer)
- Essential for Synchronization: Requires justification signed by designer or City Engineer (whoever sealed the plans). (Approval level is the Division Engineer)
- No Equally Suitable Alternate: Requires justification signed by designer or City Engineer (whoever sealed the plans). (Approval level is the Division Engineer)
- Research/Test/Experimental Project (NCDOT only): Requires proposal and work plan submitted to the Office of Research and Development with signed verification from the Designer or Consultant that sealed the plans AND the Division Engineer (Approval level is the Research and Development Engineer)
- Public Interest Finding (PIF): Requires PIF request submitted to the appropriate design unit and Materials and Tests Unit, followed by submittal to the Chief Engineer. (Approval level is the Chief Engineer)

JUSTIFICATION: (Justification consists of information that documents the reasons marked above for use of the proprietary item or process. Attach additional pages and documentation as necessary).

APPLICANT SIGNATURE:

Name: _____

Title: _____

Signature: _____ Date: _____

APPROVAL SIGNATURES:

Signature	NCDOT State Contract Officer (Required on request for Proprietary Items)	Date
Signature	NCDOT Division Engineer (Required for projects essential for synchronization or no equally suitable alternative)	Date
Signature	NCDOT Research and Development Manager (Required for research / test / experimental projects)	Date
Signature	NCDOT CHIEF ENGINEER (Required for PIF)	Date

**Please fax copy of this signed release to
 Ron Davenport, State Contract Officer at 919-250-4127
 or scan to RonDavenport@ncdot.gov**

APPENDIX D – GOAL SETTING COMMITTEE

Goal Setting Committee – Operating Procedures

Policy Statement

In accordance with Federal Requirements, the Department must meet the maximum feasible portion of the DBE/MBE/WBE aspirational goal(s) by using race-neutral means. If the goal cannot be met by race-neutral means alone, contract goals should be set to try and achieve the aspirational goal. At that point, the Contract Standards and Development Unit shall convene a Goal Setting Committee to determine the DBE (Disadvantage Business Enterprise), and MBE (Minority Business Enterprise) /WBE (Women Business Enterprise) contract goals for Federal and State-funded centrally let projects.

Goal Setting Committee Members

Chairperson (Non-voting):	Proposals and Contracts Engineer
Voting Members:	State Contractor Utilization Engineer State Contractual Services Engineer Roadway Construction Estimates and Claims Eng.
Non-Voting Member:	FHWA Civil Rights

Appropriate support staff may attend the meeting as necessary to provide information needed in the Committee's deliberations.

In the event that the designated Chairperson cannot be in attendance, the State Contract Officer will designate a proxy.

Responsibility and Procedures

The Chairperson will forward available project information for the upcoming project letting to the members ahead of the meeting for review and analysis. The "Interest Report" generated by Contract Standards and Development staff, consists of the project's geographic location, scope and characteristics, and percentage of the type work that is normally subcontracted out and performed by DBE/MBE/WBEs. This information along with knowledge of what firms perform the work, is used in determining the appropriate goal(s) for the project. Once the goal(s) are determined, the Specifications & Proposals Engineer will place the goals into the appropriate project proposal.

The Goal Setting Committee typically meets the first Tuesday of the month or at a designated date and time appointed by the Chairperson as determined by the availability of the project's Interest Report.

APPENDIX E – BID REVIEW COMMITTEE

Bid Review Committee – Operating Procedures

Policy Statement

It is the responsibility of the Bid Review Committee (Committee) to carefully review all bids submitted and to formulate recommendations on the acceptance or rejection of bids. These recommendations will be reviewed with the Technical Services Administrator prior to award of projects by the Secretary of Transportation.

Goal Compliance Committee Members

Chairperson: State Contract Officer (vote only to break a tie)

Members: Deputy Chief Engineer (voting member)
Director of Field Support (voting member)
Director of Preconstruction (voting member)
Director, Rail Division (voting member)
Program Development Branch Manager (voting member)
FHWA Division Administrator (or his representative, non-voting member)

Appropriate support staff will attend the meeting as necessary to provide information needed in the Committee's deliberations.

The Bid Review Committee recommendations prepared by the State Contract Officer will serve as the official minutes of the meeting. These minutes will be approved and signed by the Committee Chairperson and the original will be retained in the files for future reference.

Responsibilities and Procedures

The State Contract Officer will brief the Technical Services Administrator after each Committee meeting as to actions taken and on the Committee's recommendations. The State Contract Officer will inform the Technical Services Administrator and the Chief Engineer prior to the Committee meeting if there are any unusual or potentially controversial matters to be discussed with might require their attendance.

Advisors to the Committee will attend the meetings upon invitation when deemed necessary by the Committee. These advisors include:

Special Deputy Attorney General
State Roadway Design Engineer
State Bridge Design Engineer
State Traffic Engineer
State Transportation Program Management Director

The Chairperson shall preside over the Committee meetings and obtain a consensus of the committee members on the recommendation for award of each contract. In the event the recommendation is not unanimous, a majority vote of the voting members shall determine the final recommendation of the Committee.

The Committee will review all low bids including those with irregularities. Every low bid with irregularities will have a written opinion provided by the Attorney General's Office. The Committee may recommend award to the low bidder, award to other than the low bidder if irregularities are involved and are determined to not be waivable by the Attorney General's Office, or rejection of all bids.

On Best Value projects, the Committee will review all best value proposals including those with irregularities. Every best value proposal with irregularities will have a written opinion provided by the Attorney General's Office. The committee may recommend award to the proposer with the best value proposal, award to other than the proposer with the best value proposal if irregularities are involved and are determined to not be waivable by the Attorney General's Office, or rejection of all proposals.

Low bids and best value proposals which are less than the engineer's estimate and low bids and best value proposals which are higher than the engineer's estimate by no more than 10% are generally considered satisfactory, provided the project is adequately financed.

For projects on which low bids and best value proposals are more than 15% below or more than 10% above the engineer's estimate, the estimator will prepare or have prepared a report for distribution to the Committee. The report will consist of the Item C sheets, the estimator's explanation of the reasons for the significant deviations from the engineer's estimate, a copy of the bid examination sheets, and if applicable, a copy of the legal opinion and recommendation from the Special Deputy Attorney General. When applicable, the report will include a summary and applicable comments on projects previously advertised, in which all bids or proposals were rejected and re-advertised. This report will be compiled by the estimating engineer and sent to members of the Committee and the above named advisors two days prior to the Committee meeting.

The Committee will meet following the opening and tabulation of bids at a date scheduled by the Committee Chairperson.

APPENDIX F – CONSTRUCTION BID PROTEST PROCESS

Construction Bid Protect Process

Background

North Carolina Department of Transportation follows General Statute §136-28.1 “Letting of contracts to bidders after advertisement; exceptions.” for construction, maintenance, operations, or repair of the North Carolina transportation infrastructure. All such contracts are awarded to the lowest responsible bidder, but “the right to reject any and all bids shall be reserved to the Board of Transportation.”

The Bid Protest Process

The following is a general description of the bid protest process:

A. Nature of a Bid Protest

A complaint or allegation that the bid laws, regulations, or project specifications have been violated is a “bid protest”. Bid protests generally arise from an allegation that the awarding authority has violated the state bidding laws, regulations, or project specifications during the prequalification or bid solicitation stage; or that a bidder has violated the bidding laws, regulations, or project specifications in its bid; or that an awarding authority has violated the bidding laws, regulations, or project specifications in the award of the contract.

B. Filing a Protest

To file a bid protest, the Protestor shall submit written notice to the Contract Standards and Development Unit that identifies:

- the project for which bids were solicited;
- the particular law, regulation, or project specification violated;
- a detailed description of the alleged violation; and
- any other information the Protestor deems relevant to the bid protest.

Bid protests should be sent to:

Contract Standards and Development,
Attn: State Contract Officer
1020 Birch Ridge Drive, Raleigh, North Carolina 27610 (Delivery)
1591 Mail Service Center, Raleigh, North Carolina 27699-1591 (Mail)

Bid protests may also be submitted by facsimile or in PDF format via electronic mail.

- Facsimile 919-250-4119
- Emails should be sent to rondavenport@ncdot.gov

C. After a Protest is Filed

The State Contract Officer reviews the protest and contacts Executive Management for evaluation which may consider:

- Did NCDOT violate the bid laws, regulations, or project specifications by failing to adhere to certain statutory, administrative code or specification requirements?
- Did NCDOT violate the bid laws, regulations, or project specifications by awarding a contract to a contractor who had violated the statutory or administrative code provisions?
- Did NCDOT violate the bid laws, regulations, or project specifications by making arbitrary decisions regarding bidder eligibility or qualifications?
- Did NCDOT violate the bid laws, regulations, or project specifications by improperly or unfairly restricting competition for the project?

Once the initial evaluation has been completed, the Protester may be asked to attend a meeting with Executive Management for further discussion and clarification.

- D. Once a determination has been made by Executive Management, the Protestor will be notified of the final decision by NCDOT. This decision will not be subject to further review by NCDOT.

APPENDIX G – GOAL COMPLAINE COMMITTEE

Goal Compliance Committee – Operating Procedures

Policy Statement

In accordance with Federal Requirements 49CFR Part 26 and General Statute 136-28, a bidder must either obtain enough DBE or MBE/WBE participation to meet the advertised goal(s); or document that it made an adequate good faith effort to meet the advertised goal(s) even though it did not succeed. In the event the project goal(s) were not met, the Contract Standards and Development Unit shall convene a Goal Compliance Committee to determine whether a good faith effort was made to meet the advertised goal(s) in accordance with the special provision in the contract.

Goal Compliance Committee Members

Chairperson: Contractual Services Engineer (vote only to break a tie)

Members: State Construction Engineer (voting member)
Director of Civil Rights (voting member)
Director, Rail Division (voting member)
State Contract Officer (voting member)
Deputy Chief Engineer (voting member)
FHWA Division Administrator (or his representative, non-voting member)

Appropriate support staff will attend the meeting as necessary to provide information needed in the Committee's deliberations.

In the event that the designated Chairperson cannot be in attendance, the Chairperson will become the State Contract Officer.

Responsibilities and Procedures

Staff review headed by the State Contractor Utilization Engineer, will review the good faith packages submitted by the apparent low bidder for completeness and will evaluate the submittal based on the Good Faith criteria in the proposal special provisions. Staff may request more information from the bidder concerning the good faith criteria outlined in the proposal. The State Contractor Utilization Engineer will prepare a report and make recommendations for presentation to the Goal Compliance Committee. These recommendations will be sent to the Goal Compliance Chairperson prior to presentation to the Goal Compliance Committee. Should the Goal Compliance Chairperson determine that it is necessary for the bidder to be in attendance at the committee meeting, the bidder will be notified to attend. Presentation of staff findings will be made by the State Contractor Utilization Engineer.

Other areas of expertise, such as the Attorney General's Office, are available upon request by the Goal Compliance Committee Chair.

Good Faith submittal packages will be electronically sent to the members prior the Goal Compliance Committee meeting to allow time to analyze and ask questions of the staff for further inquiry of the bidder's effort.

The Goal Compliance Chairperson shall preside over the Goal Compliance Committee meetings and obtain a consensus of the committee members on the recommendation for good faith of the submittals presented. In the event that a recommendation is not unanimous, a majority vote of the voting members shall determine the final recommendation of the Committee.

The official minutes taken by staff, will be used as the basis for Contract Goal Requirement Letter to the bidder. This letter signed by the Goal Compliance Chair will include the decision of the Committee, the adjusted goal if good faith was determined and areas where the bidder may need to improve their effort for obtaining participation.

The Goal Compliance Chairperson will notify the bidder verbally and in writing of the determination of the Goal Compliance Committee. Verbal notification will be made the same day as the Goal Compliance Committee meeting.

The Goal Compliance Committee meeting will typically be held on the 10th day following the let date (typically on a Friday) to allow for submittal and review of Good Faith packages. If there is a holiday on this Friday, the Goal Compliance meeting will be held on the following Monday or at a designated date appointed by the chairman.

Appeals Process

A bidder may appeal the determination of the Goal Compliance Committee. If a bidder wishes to appeal the determination made by the committee, they shall provide written notification to the Goal Compliance Chairperson. The appeal shall be made within two business days of verbal notification of the determination that they did not perform a Good Faith Effort.

Members of the Appeals Committee for NCDOT projects are:

- State Technical Services Administrator
- Chief Deputy Secretary
- Chief Engineer

Upon notification of an appeal the Chairperson will arrange a meeting of the Appeals Committee in which the bidder will be allowed to present any additional information that they feel is appropriate. The appeals committee will review the original information submitted by the bidder, additional information submitted by the bidder at the appeal, and the determination of the Goal Compliance Committee. The appeals committee will then either uphold the original decision or make a determination of good faith. The bidder will be notified in writing of the decision. It should be noted that a court reporter is recommended for all centrally let appeals.