



Legislation Details (With Text)

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File created: 2/14/2024 **In control:** Asset/Facility Management

On agenda: 3/6/2024 **Final action:**

Title: Subcontractor Pre-qualifications - Construction Manager @ Risk for Facility Based Crisis Center

Sponsors:

Indexes:

Code sections:

Attachments: 1. 02.12.2024 FBCC Prequal Form, 2. 01.23.2024 FBCC Prequalification Matrix

Date	Ver.	Action By	Action	Result
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Title

Subcontractor Pre-qualifications - Construction Manager @ Risk for Facility Based Crisis Center

Action

ACTION:

Authorize the Subcontractor Prequalification procedure provided by JE Dunn Construction for the Facility Based Crisis Center project.

Staff Contact: Steven Wallace, AIA, Project Manager
Asset and Facility Management Department

Presentation: No

BACKGROUND/JUSTIFICATION:

The Board of County Commissioners authorized the use of the Construction Manager @ Risk Contract Methodology for this project at the October 17, 2023, BOCC meeting pursuant to G.S. 143-128.1

Revisions to state law 2014-42 (H1043), amended G.S. 143-135.8 by establishing specific procedural requirements for when, and how, local governments may prequalify construction contractors to bid on construction and repair contracts. These requirements also apply to the prequalification of subcontractors by a Construction Manager at Risk under G.S. 143-128.1(c).

JE Dunn Construction has provided a prequalification process based on the new statutory requirements that meet the following criteria:

1. Be uniform, consistent, and transparent in its application to all bidders.
2. Allow all bidders who meet the prequalification criteria to be eligible to bid on the construction or repair work project (in other words, a bidder who meets the prequalification criteria must be allowed to bid on the project).
3. The prequalification criteria, which must be complied with include all of the following:
 - a. Be rationally related to construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
 - c. Permit bidders to submit history or experience with projects of similar size, scope or complexity.
4. Clearly state the assessment process for the criteria to be used.
5. Establish a process for a bidder to protest to the governmental entity its denial of prequalification. The protest process must be completed prior to any bid opening to allow sufficient time for a bidder whose protest is successful to submit a bid on that project.
6. Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

The focus of these requirements is to ensure that a prequalification process is conducted transparently, using criteria that relates to the specific project being bid and are applied objectively and fairly to all bidders. The requirements also give bidders an opportunity to learn why they were denied prequalification and can appeal that denial.

Per the County's Business Diversity and Inclusion (BDI) Provisions, the Construction Manager plans to meet or exceed the following County MWBE Goals for participation in construction sub-contracts:

MBE - 15%
WBE - 8%
Total Goal - 23%

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

N/A