



## Legislation Text

File #: 19-5347, Version: 1

### Title:

**Construction Manager@Risk For Northern Regional Recreation Center:  
Subcontractor Prequalifications**

### Summary

#### **ACTION:**

**Authorize the Subcontractor Prequalification procedure provided by Warton Smith/Edison Foard Construction for the Northern Regional Recreation Center**

**Staff Contact:** Peter Wasmer AIA, Asset and Facility Management

**Presentation:** No

#### **BACKGROUND/JUSTIFICATION:**

In accordance with G.S. 143-128.1, on February 6, 2018, the Board of County Commissioners authorized the use of the Construction Manager @ Risk Contract Methodology for the Northern Regional Recreation Center.

Under this methodology, the General Assembly has established specific procedural requirements for 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 contract under G.S. 143- 128.1.

Warton Smith/Edison Foard Construction has provided a prequalification process based on the 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 prequalified 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 must comply with all of the following:
  - a. Be rationally related to construction or repair work.
  - b. Not require that the bidder has been previously 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 and 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 the 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 to appeal that denial.

The Construction Manager plans to meet or exceed the following County MWSBE Goals for participation in construction sub-contracts:

MBE- 10%

WBE- 6%

SBE- 5%

Total Goal- 21%

**PROCUREMENT BACKGROUND:**

N/A

**POLICY IMPACT:**

Comply with Construction Manager@Risk Contracts, G.S. 143-128.1(a-e)

**FISCAL IMPACT:**