



Legislation Text

File #: 19-5609, Version: 1

Title:

Construction Manager @ Risk Subcontractor Prequalification Methodology for American Legion Memorial Stadium Renovation

ACTION:

Authorize the Subcontractor Prequalification methodology and procedure provided by Barton Malow / Edifice for the American Legion Memorial Stadium Renovation

Staff Contact: Jay Higginbotham, PLA, ASLA, Asset and Facility Management

Presentation: No

BACKGROUND/JUSTIFICATION:

The Board of County Commissioners authorized the use of Construction Manager @ Risk Contract Methodology for this project at the July 10, 2018 meeting in accordance with G.S. 143-128.1

Revisions to state law 2014-42 (H1043), amends 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).

PROCUREMENT BACKGROUND:

Barton Malow / Edifice 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 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, which must comply with 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 of 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 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 new 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 new 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%

POLICY IMPACT:

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

FISCAL IMPACT:

N/A