

**FGC-R Construction Contractor Prequalification**

12/18/15

GBSA Referece: FGC (Bids and Quotations)

**RATIONALE/OBJECTIVE:**

In order to safeguard and to promote the general public welfare the Cobb County School District (District) requires contractors who submit responses for certain construction projects to be pre-qualified in order to be considered for the project.

**RULE:****A. QUALIFICATION OF CONTRACTORS:****1. Criteria:**

- a. When specified in a solicitation or its associated project documents, interested contractors must furnish a current, complete AIA A305 Contractors Qualification Statement for consideration.
- b. Classification of contractors for cost limits on work brackets--brackets should reflect the information provided in AIA A305:
  - (1) \$100,000 to \$2,000,000, bond rating of A.M. Best rating of A-, financial size of VI (6) or better.
  - (2) \$2,000,000 and up, bond rating of A.M. Best rating of A-, financial size of VII (7) or better.
- c. The Bond issuing agent must submit a letter stating that they meet the applicable prequalification requirements with each bond supplied for a specific bid.
- d. The District may request a bond rating or require that a bond be obtained for projects less than \$100,000 at its discretion.

**2. Disqualification:**

The District may deny, refuse or revoke pre-qualification status for cause including, but not limited to, any one (1) or more of the following:

- a. Conviction or civil judgment:
  - (1) Of an offense in obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;
  - (2) Under state or federal anti-trust statutes;
  - (3) Of any offense indicating a lack of business integrity or business honesty;
  - (4) For a violation of any laws governing labor or employment, including wages and hours, child labor, or discrimination on the basis of race, color, sex or national origin;
  - (5) For a violation of any election or campaign finance laws.
- b. Failure without good cause to perform in accordance with the terms of a previous contract with the District or failure to perform in accordance with the terms of one or more contracts with any person or entity within a reasonable period of time before or during the District's decision;
- c. Failure to cooperate in any investigation or audit conducted by or through the District;
- d. Providing false or misleading information as part of any prequalification statement, response or contract, including but not limited to financial statements, fair employment forms, or product descriptions;
- e. Unauthorized payments, gifts or other valuable consideration to any person having any official duty, direct or indirect, in connection with bidding, awarding or performing District contracts;
- f. Inadequate financial resources to perform the contract;
- g. Inadequate experience, organization, or technical resources to perform the contact;

- h. Any other facts or circumstances showing a reasonable likelihood of inability to perform the contract including but not limited to, that the Contractor proposes a Subcontractor who already is, or the District determines to be, disqualified under these criteria;
- i. Any other cause which is determined to be so serious and compelling as to affect responsibility as a Contractor with the District, including debarment or disqualification by another contracting entity; or
- j. Any other lawful reason.

**B. PROCEDURES FOR PRE-QUALIFYING:**

1. When specified in a solicitation or its associated project documents, a contractor must submit an AIA A305 form containing prerequisite information for review and approval by the date specified in the solicitation or associated project documents in order for the contractor to be pre-qualified to respond to the solicitation.
2. The Contractor must provide a Disqualification Affidavit (Form FGC-1) and a Construction Pre-Qualification Reference Form (Form FGC-2) for review at the time the AIA A305 form is submitted or upon request of the District.
3. To maintain approval the AIA A305 must be kept current on an annual basis.
4. If a Contractor changes or adds a bonding agent after they are qualified, the Contractor must notify the District in writing of the new bonding agent and/or bonding company by the date specified in the solicitation or associated project documents. If there are changes in information provided in the AIA A305, or if changes occur in the Disqualification Affidavit, the Contractor must notify the District in writing of the changes by the date specified in the solicitation or associated project documents in order for the contractor to be pre-qualified to respond to a solicitation.

**C. IMPLEMENTATION PROCEDURE:**

The completed documents shall be reviewed by the Director of Procurement Services along with the Program Manager, and/or Director of SPLOST or their designees. The Director of Procurement Services will notify the Contractor when they have been qualified, or if the Contractor fails to meet the prequalification criteria, then the Director of Procurement Services will so notify the Contractor and include the reasons for such disqualification. The Contractor may, within ten (10) days of the notice of disqualification, respond to the Director of Procurement Services.

**D. CONSTRUCTION SOLICITATIONS:**

All Construction solicitations must be in compliance with:

1. State Board of Education Rule 160-5-4-.15; and
2. The Georgia Local Government Public Works Construction Law, O.C.G.A. §36-91-1 *et seq.*

Approved: 3/15/74  
 Reviewed: 7/74  
 Revised: 11/9/83; 8/8/84; 12/13/95  
 Reclassified an Administrative Rule: 9/1/04  
 Revised: 9/22/05; 4/15/09; 2/10/10, 11/10/10  
 Revised and recoded: 8/23/12 (Previously coded as Administrative Rule FEG)  
 Revised: 6/11/14; 7/23/15; 12/18/15

Legal Reference

O.C.G.A. 36-91-0001	Georgia Local Government Public Works Construction Law - short title
O.C.G.A. 36-91-0020	Contracting & Bidding Requirements; written contract required; advertising; competitive sealed bidding; timing of addendums; prequalification
O.C.G.A. 36-91-0021	Competitive award requirements
O.C.G.A. 36-91-0022	Exceptions; use of inmate labor; emergency situations
O.C.G.A. 36-91-0050	Projects requiring bid bonds; revocation of bids; surety
O.C.G.A. 36-91-0051	Cash in lieu of bid bonds; letters of credit
O.C.G.A. 13-10-0003	Determining Georgia residency for businesses; preferences; adherence to policies and procedures of State Construction Manual
O.C.G.A. 13-10-0001	Bid bonds
O.C.G.A. 20-02-0016	Acceptance and allotment of federal aid and other funds for school construction
O.C.G.A. 20-02-0260	Capital outlay funds, generally
O.C.G.A. 20-02-0500	Regulations for contracts over \$100
Rule 160-5-4-.18	Bidding Requirements for State-Funded School Capital Outlay Projects