

CONTRACTOR PREQUALIFICATION NOTICE

Revised December 2009

CONTRACTORS ARE REQUIRED TO BE PREQUALIFIED WITH THE DEPARTMENT TO BE AWARDED CONSTRUCTION PROJECTS THAT ARE CONTRACTED THROUGH THE DEPARTMENT'S BUREAU OF PROJECT DEVELOPMENT (BUREAU) AND OTHER DEPARTMENTAL BUREAUS AND OFFICES. THE CONTRACTOR MAY REQUEST PREQUALIFICATION IN ONE OR MORE OF THE FOLLOWING AREAS: HIGHWAY, BRIDGE, TRAFFIC/LIGHTING, PAVING, MARINE, AND BUILDING.

COMPLEX PROJECT MAY REQUIRE PREQUALIFICATION IN SEVERAL DISCIPLINES.

MOST PROJECTS WITH A CONSTRUCTION VALUE OF LESS THAN \$300,000 ARE EXEMPT. PROJECT SPECIFIC PREQUALIFICATION REQUIREMENTS WILL BE LISTED IN THE "NOTICE TO CONTRACTORS" AT THE ADVERTISEMENT OF EACH CONTRACT.

YOU MAY DOWNLOAD A COPY OF THE PREQUALIFICATION APPLICATION FROM OUR WEBSITE AT http://www.maine.gov/mdot/contractor-consultant-information/prequal_form.php , AND SEND THE COMPLETED APPLICATION TO US AT THE FOLLOWING ADDRESS.

CONTRACTS SECTION – NORMA GILMAN
MAINE DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, ME 04333-0016
207-624-3495

HARD COPIES ARE ALSO AVAILABLE FROM

THE DEPARTMENT'S MAILROOM
(WHERE BID DOCUMENTS ARE PURCHASED)
IN THE TRANSPORTATION BUILDING
207-624-3220

MOST PREQUALIFICATION PERIODS WILL BE FOR ONE YEAR. RENEWALS WILL NOT REQUIRE A NEW APPLICATION FORM, BUT RATHER, UPDATED DATA ON BONDING, SAFETY EXPERIENCE RATING MODIFIER, CHANGE IN CORPORATE STATUS OR ADDRESS AND ANY OTHER INFORMATION THE FIRM WOULD LIKE TO INCLUDE UPDATING THE FILE.

Maine Department of Transportation
CONTRACTOR'S PREQUALIFICATION
PROCEDURE

Overview. This prequalification procedure has three basic components: (1) an application for specified project types (see Section 2 below), (2) a determination by the Department's Prequalification Committee (see Section 3 below), and (3) an appeal procedure (see Section 4 below).

1. GENERAL PROVISIONS

1.1 Applicability and Scope

All Contractors must be prequalified every one to three years in accordance with the provisions of this Procedure to be eligible to be awarded Construction Projects, EXCEPT that such prequalification is not required if:

- A. the Contractor is prequalified pursuant to a separate prequalification process specific to that project;
- B. the "Notice to Contractors" does not list a prequalification requirement;
- C. the Commissioner waives the requirement for prequalification for good cause shown and in the best interest of the State.

1.2 Definitions

Application The "Contractor's Prequalification Application" form prepared by the Department to be used to request prequalification and provide information upon which the Department will rely.

Bridge Construction A Construction Project that consists predominately of the construction of a bridge, but that may include non-bridge construction work including highway construction, the installation of traffic signals, landscaping, and/or paving. Such projects include all subcontracted work necessary to complete the project.

Business Days All days on the calendar except Saturdays, Sundays, and holidays officially recognized by the State of Maine.

Claim Any appeal, proceeding, or other process for additional consideration of a Dispute, including litigation, that is initiated by the Contractor and to which the adverse party (example - project owner) did not consent. A Claim does not include Disputes being negotiated in good faith by the Contractor and the adverse party or proceedings before third party neutrals to which the adverse party has consented to participate including Dispute Review Board proceedings and mediation.

Commissioner The Commissioner of Transportation established by 23 MRSA §4205.

Committee The Prequalification Committee.

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Construction Projects Projects being developed by the Department as stated in the advertisement for bids with a scope of work that encompasses the construction of on-the-ground improvements including roads, bridges, paths, wharves, piers, buildings, and other transportation infrastructure, but excepting Landscaping Projects. It does not include planning, appraisal, design, survey or other engineering services unless such services are to be provided by the Contractor and are specifically within the scope of Work.

Contractor Individuals, partnerships, corporations, limited liability companies, joint ventures or other entities that desire to submit bids on Construction Projects.

Days Unless the context clearly indicates otherwise, "days" means Business Days.

Deliver or Delivery "Deliver" or "Delivery" means Receipt by the person to whom the materials are to be delivered, or their authorized representative. See definition of "Received or Receipt".

Department "Department" means the Maine Department of Transportation, an agency of the government of the State of Maine, established by 23 MRSA §4205.

Disputes Disputes include disagreements, matters in question, and differences of opinion between the Contractor (and those working for or through the Contractor) and an adverse party (example - project owner) regarding matters related to the Work including interpretation of and compliance with the contract, compensation and costs, time for performance, and quality.

Filing "Filing" means Receipt by the person with whom the materials are to be filed, or their authorized representative. See definition of "Received or Receipt".

Hearing An evidentiary proceeding of sufficient nature and scope to adequately review the Department's previous prequalification determination(s). A "Hearing" need not be an "adjudicatory proceeding" within the meaning of the Maine Administrative Procedure Act.

Highway Construction A Construction Project that predominately consists of the construction or reconstruction of a highway, but that may include non-highway construction work including bridge construction, the installation of traffic signals, landscaping, and/or paving. Such projects include all subcontracted work necessary to complete the project.

Key Personnel Personnel the loss of whom is likely to impact the cost, quality, timeliness, or conformance of project Work provided for the Department as reasonably determined by the Contractor.

MDOT Department.

MRSA Maine Revised Statutes Annotated.

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Paving A project that predominately consists of the paving or repaving, but that may include non-paving work including bridge construction, highway construction, the installation of traffic signals, and/or landscaping. Such projects include all subcontracted work necessary to complete the project.

PIN The Department's Project Identification Number.

Predecessor Entities Any individual or entity that was legally organized at any time during the past five years (even if not operating) and that was previously owned, operated, or controlled to a Significant degree by the Contractor requesting prequalification, or that Contractor's owners, officers, or Key Personnel.

Predominately Unless the context clearly indicates otherwise, "predominately" means not less than 50% of cost, excepting the percent goal set for the contract work to be performed by Disadvantaged / Women Enterprises.

Prequalification Committee The committee, appointed by the Commissioner, with primary responsibility and authority to carry out this Procedure. See Section 3.1 of this Procedure.

Prequalification Periods One (1), Two (2), or Three (3) year periods starting and ending on March 1st.

Procedure The procedure and requirements contained in this Contractor's Prequalification Procedure and the accompanying Application.

Project Type The classification of project for which prequalification may be sought or granted as listed in Section 2 of the Application.

Qualifying Bonding Company An insurance, bonding, and/or surety company that is (a) licensed or approved by the State of Maine Department of Business Regulation, Bureau of Insurance, to do business in the State of Maine AND (b) listed on the most recent Federal Department of the Treasury listing of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies".

Received or Receipt Actual receipt by either US mail, overnight courier, service in hand, or fax by the person to whom the materials are addressed, or their authorized representative, with confirmation of receipt originating from the such person or their authorized representative.

Related Entities All general partners, joint ventures, parent firms, subsidiaries, or sister firms that (a) are currently legally organized (even if not operating), (b) are owned, operated, or controlled to a Significant degree by the Contractor requesting prequalification, or that Contractor's owners, officers, or Key Personnel.

Significant The level or degree that would be reasonably relevant to a party who is contemplating contracting with the Contractor and who is therefore attempting to determine the qualifications, experience, competence, and trustworthiness of the Contractor.

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Work The furnishing of all labor, materials, equipment, supplies, services, personnel, and other incidentals necessary for the completion of the project in conformity with the contract documents.

Unless the context clearly indicates otherwise, all other words, phrases or terms shall have the meanings contained in the latest version of the Department's Standard Specifications, Highways and Bridges.

1.3 Authority

Pursuant to 23 M.R.S.A. section 753 and 23 M.R.S.A. section 4206, the Commissioner has full power in the letting of all contracts for work under its jurisdiction and thus has the authority to determine whether bidders on construction contracts are responsible. Accordingly, the Commissioner has approved this Contractor's Prequalification Procedure and hereby delegates all authority necessary to carry it out as provided in this Procedure.

1.4 Contractor Changes

The Contractor has an ongoing duty to notify the Department's Contracts and Specifications Engineer within thirty (30) days of any changes to the information provided in the Application that significantly alters, as reasonably determined by the Contractor, the Contractor's ability to perform the Work required for the Project Types for which it is prequalified. Upon notification by the Contractor or upon discovery by the Department, the Department may require the Contractor to re-apply for prequalification.

Nothing in this Procedure, the accompanying Application, or any communications from the Department regarding prequalification shall be interpreted as depriving the Department of the authority to disqualify Contractors pursuant to the Department's Contractors Performance Rating (CPR) process, or the authority to reject any bid in the best interest of the State, when, in the discretion of the Department, changed circumstances have affected the responsibility and/or qualifications of the Contractor.

1.5 Duration of Prequalification

Unless disqualified or otherwise barred from bidding by the Department or other entity with competent jurisdiction, Contractors prequalified pursuant to this Procedure shall be considered eligible to be awarded Project Types for which the Contractor is prequalified from the date of prequalification to the commencement of their next Prequalification Period.

2. APPLICATION FOR PREQUALIFICATION

2.1 Requirement to Submit Application

Contractors desiring to be awarded a Construction Projects must submit a properly completed Application unless one of the exceptions to prequalification listed in Section 1.1 (A) - (D) of this Procedure applies.

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2.2 Application Deadlines

2.2.1 Other Prequalification Periods

Contractors that anticipate they will be bidding on Construction Projects anytime during the upcoming Prequalification Period should prepare and normally submit an Application between October 1 and November 30.

2.2.2 Application Deadline in All Cases

In any event, Contractors desiring to bid on a specific Construction Project should submit an Application that is received at least ten (10) Business Days before the date of bid opening for said Construction Project.

Contractors are encouraged to apply earlier. As provided in Section 4 of this Procedure, Contractors determined to be not qualified are not eligible to be awarded Contracts pending appeal.

2.3 Project Types for Prequalification

The Contractor must apply for, and the Department may prequalify the Contractor for, one or more of the Project Types listed in Section 2 of the Application. The Project Type for individual projects shall be as stated in the "Notice to Contractors", or if not stated, shall be determined by the Contracts and Specifications Engineer.

2.4 Submittal Requirements

The Contractor must honestly, accurately and completely supply all information requested in the Application. Applications will not be considered received until the Contracts and Specifications Engineer has received a properly completed Application including all required supporting data.

3. PREQUALIFICATION DETERMINATION

3.1 Prequalification Committee

3.1.1 Membership

The Commissioner hereby creates a standing committee, to be known as the Prequalification Committee, with primary responsibility and authority to carry out this Procedure. The Commissioner appoints the following Departmental personnel, or their successors, as permanent members of the Committee.

Director - Bureau of Project Development, Chair
Asst Director - Bureau of Project Development, Vice Chair
Asst Program Manager, Urban & Federal Bridge Program
Asst Program Manager, Highway Program
Contracts and Specifications Engineer

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In the event that any of the above members are unable to serve, or in the event that the Chair determines additional members would be of assistance in the fulfillment of the duties of the Committee, the Chair may appoint other Departmental personnel to serve as alternate or additional members.

3.1.2 Committee Administration

Committee meetings will be called and scheduled when necessary as determined by the Contracts and Specifications Engineer with the approval of the Chair. A quorum shall consist of at least three (3) members; at least two (2) of whom shall be permanent members. The Chair shall preside at all meetings. In the absence of the Chair, the Vice Chair may assume all authority of the Chair. The Contracts and Specifications Engineer or designee shall keep minutes of all meetings, record all decisions, and otherwise document the actions of the Committee.

3.2 Review and Investigation

The Committee shall review all information provided in the Application. The Committee or its designees may (a) contact any person or entity necessary to verify and/or supplement any of the information requested by or provided in the Application and (b) review information from other published sources of industry information, information from transportation departments in other states, the Federal Highway Administration, and any other Significant information.

3.3 Interview and Additional Information

Whenever the Committee determines that the nature or extent of the information provided in the Application is insufficient or indicates that the Contractor is not qualified, the Committee will, within ten (10) Business Days of receipt of the application, contact the Contractor to seek additional information and, if desired by the Contractor, to schedule an interview to discuss the specific reasons that have caused that preliminary determination. The Contractor will submit all additional information requested by the Committee.

3.4 Pass-Fail Evaluation System

The Committee shall evaluate all the information provided or obtained as a whole on a pass-fail basis to determine whether the Contractor is responsible and qualified. In doing so, the Committee will use the following descriptive categories.

QUALIFIED: With respect to the Project Type under consideration, sufficient information exists to determine that the Contractor is likely to build an acceptable project in a timely manner using acceptable processes.

NOT QUALIFIED: With respect to the Project Type under consideration, the information demonstrates that it is unlikely that the Contractor can build an acceptable project in a timely manner using acceptable processes.

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3.5 Grounds for Determination of "Not Qualified"

A finding by the Committee based upon substantial evidence that any one of the following conditions exists shall be sufficient grounds, though not mandatory grounds, for an overall determination of "Not Qualified". The Department's Chief Engineer will approve all Committee findings of "Not Qualified."

- (1) Unsatisfactory and/or insufficient Contractor experience.
- (2) Number of personnel with applicable knowledge and experience significantly below industry standards.
- (3) Insufficient bonding capability.
- (4) Safety record significantly below industry standards.
- (5) Environmental record significantly below industry standards.
- (6) Civil rights or equal opportunity record significantly below industry standards.
- (7) A denial of prequalification or award of contract, disbarment, or other irregularities with respect to any federal, state, or local government or procurement agencies.
- (8) A pattern of unsupported Claims.
- (9) Conviction of a bid or other crime or indictment with substantial evidence regarding the same.
- (10) Deceptive, evasive or fraudulent statements or omissions contained in the Application, made or omitted at any interview or hearing, or otherwise made to or omitted from the Department.
- (11) Other substantial deficiencies that are clearly below industry standards and that clearly demonstrate that the Contractor is "Not Qualified".

3.6 Notice of Prequalification

3.6.1 Time and Contents of Notice

If the Contractor submits a timely and conforming Application, the Department will deliver to the Contractor a "Notice of Prequalification" before the date the Contractor sought prequalification as listed on the cover page of the Application. The Notice will set forth the Project Types for which the Contractor is eligible to bid, if any. If the Department determines that the Contractor is not qualified for any or all Project Types applied for, said Notice will also set forth the specific reasons therefore to the extent practical.

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3.7 Reduction or Removal of General Prequalification Status

A prequalified contractor which has a pattern of below standard Performance Ratings and/or becomes Not Qualified (see section 3.5) may have their general prequalification status reduced or removed. The Department will notify the contractor via certified mail of its intent to reduce or remove their general prequalification status. The notification letter will indicate a meeting time and place to discuss this issue. The contractor's failure to respond to the notice within 5 business days will result in the reduction or removal of their prequalification status. The contractor's prequalification status will automatically be reduced or removed from the MaineDOT website's general prequalification list on the indicated date if the contractor does not attend the meeting or does not provide adequate rebuttal to the Department's Performance Ratings.

4. APPEAL

Contractors are encouraged to apply for prequalification early. Contracts will only be awarded to Contractors Prequalified as required in the "Notice to Contractors."

4.1 Notice of Appeal to Commissioner

To appeal, the Contractor must deliver a written "Notice of Appeal Regarding Prequalification" to the Commissioner on or before 4:00 P. M. on the fifth full Business Day after the date of receipt of the "Notice of Prequalification" provided under Section 3.6. At a minimum, the "Notice of Appeal Regarding Prequalification" must contain:

- A. The specific errors that the Contractor alleges were made by the Department regarding prequalification;
- B. The specific relief sought;
- C. A request to submit additional written materials (if desired);
- D. A request for a Hearing (if desired); AND
- E. A designation of counsel or any other party that will be representing the Contractor in the appeal (if any).

4.2 Submission of Written Materials

Within ten (10) Business Days of the filing of the Notice of Appeal Regarding Prequalification, the Contractor and the Committee must deliver to the Commissioner (or such other person(s) as the Commissioner may designate in writing), and to each other, all written materials that each party contends is necessary for the Commissioner to fairly and objectively evaluate and decide the appeal. Such materials can include evidence or arguments. The Committee's written materials may include a request for a Hearing.

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4.3 Hearing

If requested by the Contractor, the Committee, or the Commissioner or his designee(s), a Hearing will take place within ten (10) Business Days of the filing of additional written materials by the Contractor and/or the Committee, whichever occurs later, at a time and place determined by the Commissioner or his designee(s). The parties will have at least 72 hour advance notice of such Hearing. The Contractor and the Committee shall each be afforded the opportunity to be heard by the Commissioner or his designee.

4.4 Decision

The Commissioner or his designee(s) may leave the record of the appeal open for the submission of further evidence or arguments for up to ten (10) Business Days after the conclusion of the Hearing, or to such other mutually agreeable date certain. If no Hearing is held, the record of the appeal shall close on the date of filing of additional written materials by the Contractor and the Committee, whichever occurs later.

Unless the Commissioner or his designee(s) reasonably determines that special circumstances exist that justify delay of the decision, the Commissioner or his designee(s) will, within ten (10) Business Days of the closing of the record:

- A. in writing, revise, modify, or reverse the previous determinations regarding prequalification;
- B. in writing, affirm the said determinations;
- C. in writing, submit the matter to binding or non-binding alternative dispute resolution;
- D. in writing, state that the Commissioner does not intend to take further action; OR
- E. take no written action, which shall be considered a decision affirming said determination.

4.5 Final Agency Action

Any written revision, modification, reversal, affirmation, or statement that no further action will be taken from the Commissioner or his designee(s) shall be final agency action as of the date of receipt by the Contractor of such writing. If the Commissioner or his designee(s) takes no written action, the Department's latest determinations regarding prequalification shall be final agency action as of the date of expiration of the ten (10) Business Day period for a decision by the Commissioner provided in Section 4.4 of this Procedure. If the Commissioner or his designee(s) submits the matter to alternative dispute resolution, the date of final agency action shall be established by the mediator, arbitrator, or other dispute resolution neutral.

4.6 Judicial Review

Any judicial review of any claim arising from this Procedure must be commenced in the Maine Superior Court, Kennebec County pursuant to Rule 80C of the Maine Rules of Civil Procedure.

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APPLICATION

[Legal Name of Contractor Applying for Prequalification, hereafter "Contractor" or "you"]

The Contractor Seeks Prequalification By The Following Date [Check One]

_____ Start of Next 1 Year Prequalification Period

_____ Bid Opening for the Following Specific Project
[List currently scheduled bid opening date, project type, location, and PIN]

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Safety Supplemental – 4 Pages	
EEO/Civil Rights Supplemental – 2 Pages	

[MDOT Use Only Below This Line]

Date Application Received: _____

Contractor Prequalified For The Following Project Types

- _____ Bridge Construction
- _____ Highway Construction
- _____ Paving
- _____ Marine Construction (Wharves, Piers. etc.)
- _____ Buildings
- _____ Traffic Signals and/or Lighting

Date of Prequalification: _____

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INSTRUCTIONS

1. If you have not worked with MDOT previously, please review the enclosed sheet containing some basic information entitled "Doing Business with MDOT".
2. This Application must be filled out in accordance with all requirements of the Department's Prequalification Procedure. The Application and Procedure is available from MaineDOT's web site at http://www.maine.gov/mdot/contractor-consultant-information/prequal_form.php or from the Department's Contracts and Specifications Engineer, telephone **(207) 624-3533**. Do not attempt to complete this form without understanding this Procedure.
3. Unless you meet an exception listed in section 1.1 of the Procedure, you must be prequalified to be awarded Construction Contracts, as defined. If you seek to be prequalified for a specific project, you generally must apply for prequalification at least 10 Business Days before bid opening.
4. Regarding the time frame after application, MDOT anticipates that most Contractors will be prequalified within two weeks of applying. However, if you are determined to be not qualified, you are not eligible to be awarded Contracts. A full appeal process can take about 3 months within the Department. Therefore, Contractors are encouraged to apply early.
5. Words or phrases shown with initial capitalization (i.e. Initial Capitalization) usually are defined in section 1.2 of said Procedure.
6. Please print legibly, type, or word process. Sign in ink. When attaching sheets, please place the question number to which you are responding in the upper right hand corner of each sheet and number the sheets.
7. Note that the person signing this Application must swear that the information provided below is true, accurate, and complete.

1. Basic Information

Name of Contractor: _____
[Same as on Cover Page of This Application]

Contact Person(s): _____

Telephone No: _____ Fax No: _____ E-mail: _____

Mailing Address: _____

Physical Address: _____

Federal Tax ID No: _____

2. Project Types for Which Prequalification Is Applied

[See definitions in section 1.2 of Procedure.]

- _____ Bridge Construction
- _____ Highway Construction
- _____ Paving
- _____ Marine Construction (Wharves, Piers. etc.)
- _____ Buildings
- _____ Traffic Signals and/or Lighting

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3. Organizational Structure & History

3.1 The Contractor is duly organized under the laws of the State of

_____.

3.2 The Contractor has the following organizational structure.

individual corporation partnership
 limited liability company joint venture other: _____

3.3 Please provide the year the Contractor (and not any Predecessor Entities or Related Entities) was first organized. _____

3.4 Please list all Predecessor Entities below (or on attached sheets if necessary).

3.5 Please list all Related Entities below (or on attached sheets if necessary).

3.6 If organized in any state other than Maine or in a foreign country, are you in compliance with all laws and regulations necessary to legally do business in the State of Maine? (Example: filings with the Maine Secretary of State.)

YES _____ NO _____

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4. Officers and Owners

4.1 Officers Please list the name, title, and address of current Officers, Directors, Partners, Members, and any other persons with analogous positions, in descending order of degree of control.

Name	Title	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Attach additional sheets as necessary.]

4.2 Owners. Please list the name, address, and percentage of ownership of all persons or entities owning 10 percent or more of the Contractor, in descending order of percentage of ownership.

Owner	Address	%
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Attach additional sheets as necessary.]

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5. Experience

5.1 Summary of Contractor Experience With respect to each the following Project Types, list the approximate number of years of experience that the Contractor has as a prime contractor or as a subcontractor with primary responsibility.

<u>Project Type</u> _____	<u>Years</u>
Bridge Construction	_____
Highway Construction (excluding paving)	_____
Paving	_____
Marine Construction (Wharves, Piers. etc.)	_____
Buildings	_____
Traffic Signals and/or Lighting	_____

5.2 Most Recently Completed Contracts Please provide the following information regarding the last six contracts completed by the Contractor. Please list in reverse chronological order (most recently completed project first, next most recently completed project, etc.). [Please feel free to provide this information on attached sheets in another format as long as it contains all the information requested.]

Contract Amount	Project Type & Location	Month / Year Completed	Name, Address, Contact Person & Tel. # of Owner

5.3 Contracts In Progress Please provide the following information regarding all contracts currently in progress, in descending order of contract amount. [Please feel free to provide this information on attached sheets in another format as long as it contains all the information requested.]

Contract Amount	Project Type & Location	% Completed	Name, Address, Contact Person & Tel. # of Owner

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5.4 Provide an alphabetical listing of all states in which the state Department of Transportation (or analogous agency) has awarded the Contractor (or any Predecessor Entities and Related Entities) a contract during the last five years.

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

[Attach additional sheets as necessary.]

5.5 Liquidated Damages Within the last five years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) had liquidated damages assessed against it?

YES _____ NO _____

If YES, please provide full details on attached sheets including the per diem amount of liquidated damages, the original contract time, and the number of days for which liquidated damages were assessed. Please feel free to include a written summary of your position on the matter.

5.6 Terminations / Suspensions / Defaults

(a) Within the last five years, or since your last Prequalification Application has a contract of the Contractor (or any Predecessor Entities or Related Entities) been terminated or suspended for cause?

YES _____ NO _____

(b) Within the last five years, or since your last Prequalification Application has another party (e.g. surety) completed Work which the Contractor (or any Predecessor Entities or Related Entities) was originally responsible to perform?

YES _____ NO _____

(c) Within the last five years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) been considered in default of a contract that was not cured within the time frame allowed by the contract?

YES _____ NO _____

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If the answer to any of questions 5.6(a) -(c) is YES, please provide full details on attached sheets. Please feel free to include a written summary of your position on the matter.

5.7 Denial of Prequalification or Award

(a) Within the last 5 years, or since your last Prequalification Application has any federal, state, or local government or procurement agency denied the Contractor (or any Predecessor Entities or Related Entities) prequalification?

YES _____ NO _____

(b) Within the last 5 years, or since your last Prequalification Application has any federal, state, or local government or procurement agency, after the Contractor (or any Predecessor Entities or Related Entities) submitted the apparent low bid, refused to award a contract for reasons related to the Contractor's qualifications, experience, competence, or financial situation?

YES _____ NO _____

If the answer to either of questions 5.7(a) or (b) is YES, please provide full details on attached sheets. Please feel free to include a written summary of your position on the matter.

5.8 Debarments, Etc

(a) Within the last 5 years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) been debarred for any reason by any federal, state, or local government or procurement agencies?

YES _____ NO _____

(b) Within the last 5 years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) refrained from bidding for any reason, such as suspension or agreement not to bid, or as part of the settlement of a Dispute of any type with any federal, state, or local government or procurement agencies?

YES _____ NO _____

If the answer to either of questions 5.8(a) or (b) is YES, please provide full details on attached sheets. Please feel free to include a written summary of your position on the matter.

5.9 Claims History Within the last 5 years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) been a party to a Claim with an originally claimed amount in excess of \$50,000? [Please note the relatively narrow definition of "Claim" in section 1.2 of the Procedure.]

YES _____ NO _____

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If YES, please provide full details for each Claim on attached sheets including (a) whether the Claim was brought by or against the Contractor (or any Predecessor Entities or Related Entities), (b) the nature of the Dispute underlying the Claim, (c) originally claimed amounts, (d) the resolution of such Claims (including the amount) or if unresolved, the current status of such Claims, and (e) the name, address and phone number of the primary adverse party who can be contacted for additional information, and (f) a written summary of your position on the matter (if desired).

5.10 Bid or Other Crimes Within the last 10 years, has the Contractor (or any Predecessor Entities or Related Entities), or any officers, owners, or Key Personnel of the same ever been indicted on, convicted of, or plead or consented to a violation of a bid crime including bid collusion or any other crime involving fraud or knowing misrepresentation?

YES _____ NO _____

If YES, please provide full details on attached sheets. Please feel free to include a written summary of your position on the matter.

5.11 Quality Control Does the Contractor have a written organizational-level quality control plan (as opposed to project-level plans)?

YES _____ NO _____

If YES, please answer the following two questions.

- (a) What year was it first adopted? _____
- (b) In what year was its substance last revised? _____

6. Key Personnel

6.1 Please provide the following information for all Key Personnel whose duties consist primarily of one or more the following functions: (a) project management, (b) quality control and (c) safety oversight. [Please feel free to provide this information on attached sheets in another format as long as it contains all the information requested.]

	Name	Job Duties (a-c above)	Relevant Licenses or Certifications	Experience (# of Yrs)	Education (Degree or # Yrs)
1	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____
5	_____	_____	_____	_____	_____

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7. Bonding

7.1 Is the Contractor capable of obtaining from a Qualifying Bonding Company a performance bond and a payment bond each in the amount of the bid prices that the Contractor will be submitting to the Department? [See definition of "Qualifying Bonding Company" in section 1.2 of Procedure.]

YES _____ NO _____

If YES, please attach a letter from a Qualifying Bonding Company that (a) states that the said company meets the definition of "Qualifying Bonding Company" set forth in section 1.2 of the Procedure and (b) sets forth the bonding capacity of the Contractor including a specific dollar amount for single project and aggregate amount. Letters indicating "unlimited" bonding capacity are not acceptable.

If NO, please explain why you cannot meet the bonding standards set forth in question 7.1 above on attached sheets.

8. Safety

8.1 Does the Contractor have a written safety program?

YES _____ NO _____

If YES, please answer the following two questions.

- (a) What year was it first adopted? _____
(b) In what year was its substance last revised? _____

8.2 Does the Contractor hold regular work site safety meetings for immediate supervisors?

YES _____ NO _____

If YES, at what frequency? Weekly _____ Monthly _____ Other _____

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8.3 For each of the last three (3) full calendar years, provide the following totals from your "Log and Summary of Occupational Injuries and Illnesses" (US Department of Labor, Bureau of Labor Statistics, OSHA No. 200). [Please feel free to attach copies of your OSHA No. 200 logs or to provide this information in another format on attached sheets as long as it contains all the information requested.]

OSHA No. 200 Column #	Description	3 Yrs Ago Yearly Total 20__	2 Yrs Ago Yearly Total 20__	Last Yr Yearly Total 20__
1	# of Injury Related Fatalities	_____	_____	_____
2	# of Injuries Involving Lost or Restricted Workdays	_____	_____	_____
3	# of Injuries Involving Days Away From Work	_____	_____	_____
4	# of Days Away From Work Due To Injuries	_____	_____	_____
5	# of Restricted Workdays Due To Injuries	_____	_____	_____
6	# of Illness Related Fatalities	_____	_____	_____
7	# of Illnesses Involving Lost or Restricted Workdays	_____	_____	_____
8	# of Illnesses Involving Days Away From Work	_____	_____	_____
9	# of Days Away From Work Due To Illnesses	_____	_____	_____
10	# of Restricted Workdays Due To Illnesses	_____	_____	_____

On attached sheets, please feel free to provide other information to aid in the interpretation of the above information including, for example, the ratio of the above line items to total days worked.

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8.4 Have you had any accident in the past three years that caused over \$ 50,000 in property damage?

YES _____ NO _____

If YES, please provide full details of each such accident on attached sheets.

Please feel free to include a written summary of your positions regarding any of the information provided in this section 8 - Safety.

Complete and attach the Safety Supplemental.

9. Environmental and Civil Rights Information

9.1 Environmental Record. Within the last 5 years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) been found to be in violation of any federal, state or local environmental law or regulation in an administrative, civil or criminal proceedings.

YES _____ NO _____

If YES, please provide full details, including a summary of your position, on attached sheets.

9.2 Civil Rights Record. Within the last 5 years, or since your last Prequalification Application has the Contractor (or any Predecessor Entities or Related Entities) had any findings and/or rulings of sexual harassment, discrimination, or other civil rights violations against it?

YES _____ NO _____

If YES, please provide full details, including a summary of your position, on attached sheets.

Complete and attach the Equal Employment Opportunity/Civil Rights Supplemental.

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10. Certifications Under Oath

By signing below, the person signing below hereby certifies and swears, **ON OATH**, as follows.

1. I have personal knowledge of all the information contained in this Application OR I am responsible for the accuracy of all such information
2. The information contained in this Application is true and complete.
3. I hereby authorize the Department to contact any person or entity necessary to verify or supplement any of the information requested by or provided in this Application without liability, and I hereby further authorize any person or entity contacted to provide any and all information requested without liability.
4. The Contractor has read, understands, and agrees to all terms of the Prequalification Procedure and this Application.
5. I am duly authorized by law and by the Contractor to sign this Application on behalf of the Contractor.

Date

CONTRACTOR

Witness

[Signature]

By: _____
[Name and Title Printed]

State of _____
County of _____

Date: _____

Then personally appeared the person who signed this page above and acknowledged this instrument to be his or her free act and deed and the free act and deed of the Contractor, and further said person swore, ON OATH, that the statements made under the section 10 entitled "Certifications Under Oath" are true and complete.

[Signature of Notary Public]

Name Printed: _____
My Commission Expires: _____

Maine Department of Transportation
Safety Supplemental

CONTRACTOR SAFETY QUESTIONNAIRE

Company name _____

A. Our contracts require that your company meet certain requirements related to safety achievements. Using your OSHA 200 & 300 Log and statements provided by your insurance, please provide the following for the immediate past (3) three years:

	20__	20__	20__
A. Workers' compensation EMR (interstate)	_____	_____	_____
B. Total employee hours worked	_____	_____	_____
C. Total case incidents (cols. 1, 2, 6, 8, 9, 13 taken off the OSHA log)	_____	_____	_____
D. Total lost work day incidents (cols. 3, 10 taken off the OSHA log)	_____	_____	_____
E. TCIR (C above x 200,000 / B above)	_____	_____	_____
F. TLWDI (D above x 200,000 / B above)	_____	_____	_____
G. Total fatalities (cols. 1, 8 taken off the OSHA log)	_____	_____	_____

EMR= Experience Modification Rate
TCIR= Total Case Incidents
TWDI= Total Lost Work Day Incidents

B. Has your company sustained any work related fatal accidents during the past (3) three years?

Yes _____ No _____

If yes, please provide full details of each fatal accident on attached sheets, and include what you have done to prevent these fatal accidents from recurring.

C. State to whom and how often accident report summaries are distributed.

	Monthly	Quarterly	Annually	No
CEO	_____	_____	_____	_____
President	_____	_____	_____	_____
Manager of Construction	_____	_____	_____	_____
Site Managers	_____	_____	_____	_____

Maine Department of Transportation
Safety Supplemental

D. Has your company received an OSHA (or state OSHA) citation within the last 5 years?

Yes _____ No _____

If yes, the number and type of violation? _____

E. Are on site safety meetings conducted for field supervisors?

Yes _____ No _____

If yes, how often _____

F. Does your company have a safety officer/department?

Yes _____ No _____

If yes,

Name _____

Title _____

Tel # _____

G. Does your company conduct field safety inspections to determine compliance with applicable regulations and procedures?

Yes _____ No _____

If yes, who conducts these inspections?

Name _____

Title _____

How Often? _____

H. Does your company have a written safety policies and procedure manual?

Yes _____ No _____

If yes, please provide electronic copy (CD, USB Flash Drive or e-mail attachment) for review.

I. Has your company developed any site-specific policies and procedures manuals?

Yes _____ No _____

If yes, please provide electronic copy (CD, USB Flash Drive or e-mail attachment) for review.

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J.. Has your company developed and utilized an orientation program for new employees? New employees would include those persons who are new to each specific location.

Yes _____ No _____

If yes, does it include instruction and/or training in the following areas?

	Yes	No
1. Personnel Protection Equipment		
Eye Protection	_____	_____
Hearing Protection	_____	_____
Respiratory Protection	_____	_____
Fall Protection/Prevention	_____	_____
2. Scaffolding	_____	_____
3. Perimeter Guarding	_____	_____
4. Fire Protection	_____	_____
5. Emergency Response	_____	_____
6. First Aid Procedures	_____	_____
7. Hazard Communications as per OSHA 1926.59	_____	_____
8. Process Safety Management as per OSHA 1910.119	_____	_____
9. Material Safety Data Sheets	_____	_____
10. Trenching and Excavation	_____	_____
11. Substance Abuse	_____	_____
12. Lock-Out/Tag-Out Procedures	_____	_____
13. Electrical Safety	_____	_____
14. Rigging and Crane Safety	_____	_____
15. Confined Spaces	_____	_____
16. Disciplinary Action	_____	_____

K. Does your company have a formal Hazardous Communication program as per OSHA 1926.59 and/or OSHA 1910.1200? If yes, please provide in its entirety or table of contents.

Yes _____ No _____

L.. Does your company have a foreman-supervisor's training program?

Yes _____ No _____

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If yes, does it include instruction and/or training in the following areas?

	Yes	No
1. New Work Orientation	_____	_____
2. First Aid	_____	_____
3. Emergency Response Procedures	_____	_____
4. Accident Investigation	_____	_____
5. Hazard Communication	_____	_____
6. Fire Protection and Prevention	_____	_____
7. Conducting Craft Safety Meetings	_____	_____
8. Safety Work Practices	_____	_____
9. Where applicable, are foremen trained in Process Safety Management requirements as stated in OSHA 1910.119?	_____	_____

M. Are weekly craft safety meetings held? If yes, submit a sample of meeting minutes

Yes _____ No _____

N. Do you hire subcontractors?

Yes _____ No _____

Do you have them fill out a prequalification application?

If yes, please attach method used to qualify lower-tier subcontractors.

Yes _____ No _____

O. Have you had a accident in the past three years that caused over \$50,000 in property damage?

Yes _____ No _____

If YES, please provide full details of each such accident on attached sheets.

It is imperative that all contractors, subcontractors, and lower-tier contractors adhere to all applicable Federal, State, Local, and client safety rules and regulations.

Title: _____

Date: _____

Signed: _____

Maine Department of Transportation
Equal Employment Opportunity/Civil Rights Supplemental

Please submit an electronic copy of any written company plans, policies or procedures pertinent to the questions asked below with your prequalification submittal. To avoid delays in prequalification an authorized signature (President, Owner or CEO) and current date must be on your Affirmative Action Plan, Harassment and Non-Discrimination Policies.

1. Does your company have a written Affirmative Action Plan with goals and timetables to correct any manifest imbalance in your employment of women and minorities?
2. Does your company have a written sexual harassment policy?
3. Does your company provide sexual harassment training to employees? If so, when/by whom (please submit qualifications)/how frequently?
4. Does your company have a non-discrimination policy?
5. Within the last 5 years, has your company had any findings of probable cause or court rulings of sexual harassment, discrimination, or other civil rights violations? If so, provide full details, including a summary of your position.
6. Does your company actively solicit bids/quotes from disadvantaged, minority, and/or women owned businesses?
7. Describe the procedure you use to ensure your company is in compliance with Disadvantaged Business Enterprise requirements.
8. Describe the procedure you use to ensure all subcontractors used by your company are in compliance with EEO laws.
9. Provide a list of all companies you solicit subcontract bids/quotes from.
10. What is the name of your company's equal employment opportunity officer?
11. Provide a copy of the job description for your company equal employment opportunity officer.
12. What percentage of that person's time is spent on equal employment opportunity?
13. Please complete the Company Construction Workforce Report on the following page.

Maine Department of Transportation
 Equal Employment Opportunity/Civil Rights Supplemental

Company Construction Workforce Report

Company name _____

Year covered by report _____

Report of employment statistics for the entire company workforce, by number of employees for each craft during the last calendar year.

Position	Total Employees	White Males	Females	Hispanic	American Indian	Black	Asian	Disabled	# of Recalls
Superintendent									
Operating Engineer									
Equipment Operator									
Mechanics									
Truck Drivers									
Ironworker/Rod									
Carpenters									
Const.Wkr. Bridge									
Const.Wkr.Hwy.									
Pipelayer									
Bridge Maint Wkr.									
Laborer, Semi-Skill									
Laborer, Unskilled									
Foreperson/Bridge									
Foreperson/Hwy									
Welder									
Other,									
Other,									