

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

RULES GOVERNING PREQUALIFICATION PRIVILEGES

Purpose

Section 2.2-4317 of the Code of Virginia ensures that all contracts for the construction, improvement, and maintenance of roads are awarded to the lowest responsible bidder. Contract award is to be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful performance of public contracts. The Commonwealth Transportation Board, as the governing body of the public agency, has wide discretion in determining the responsibility of the contractor particularly regarding their moral and ethical judgment.

Certain rules for establishing proof of the competency and responsibility of those who wish to submit bids were approved by the Board on August 18, 1960. Accordingly, each Prospective Bidder on contracts advertised by the Virginia Department of Transportation shall submit an Application on the forms provided to become prequalified. These forms require the completion of information on the ownership of the firm, experience of its personnel, equipment under their control, any affiliations with other construction firms and the type of contracts for which qualification is requested. In conjunction with this Application, the contractor shall furnish a complete original Annual Financial Statement (current within the previous 12-month period).

The following will set forth the rules and regulations adopted by the Commonwealth Transportation Board.

I DEFINITIONS

- A. Affiliate – Any business entity which is closely associated to another business entity so that one has the power to control the other either directly or indirectly; or, where one business entity systematically shares resources, officers, and/or other management with another business entity to the extent that a business relationship legally exists or is publicly perceived to exist; or, when a third party has the power to control both; or, where one business entity has been so closely allied with another through an established course of dealings, including but not limited to the lending of financial wherewithal or engaging in joint ventures, so as to cause a public perception that the two firms are one entity.
- B. Board of Review – Will be an assembled panel to review appeals of decisions made by the Prequalification Committee. This Board will be assembled in accordance with Section 2.2-4365 of the Code of Virginia.
- C. Commissioner – The Commonwealth Transportation Commissioner or his designee.
- D. Contractor or Firm – Any person, partnership, corporation, limited liability company, business trust or other business entity that is eligible through prequalification to bid on contracts let by the Department, or that functions or seeks to function, as a subcontractor on any such contract used in the construction or maintenance of a part of the Commonwealth’s highway system. This firm must be legally authorized, as stated in Section 13.1 of the Code of Virginia, to conduct business in the Commonwealth.
- E. Department – The Virginia Department of Transportation.
- F. Disadvantaged Business Enterprise or DBE – means a “for profit” small business concern –
1. That is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a corporation, at least 51 percent of the stock of which is owned by one or more such individuals; **and**
 2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- G. Engineer – The Chief Engineer or his authorized representative. The representative acts within the authority given to him.
- H. Experience Modification Ratio (EMR) – A standard factor used in the pricing of Worker’s Compensation Insurance, which is based on the employer’s claim history.
- I. Letting – The process of publicly opening the sealed bids.
- J. Non-Current Assets – Those assets that a firm possesses that are not liquid for the current fiscal year.
- K. Non-Current Liabilities – Those liabilities that a firm possesses that are not payable for the current fiscal year.
- L. Prequalification – Qualification of a firm is based on its bonding ability, equipment availability, experience of key personnel, safety record, and past performance of the firm in highway construction.
- M. Prequalification Committee – A panel consisting of the Contract Engineer, Construction Management Engineer, and the Administrative Services Division Administrator or their designee.

- N. Prequalification Score – Score used in determining a firm’s eligibility for prequalification by the Department. This score is derived using the following formula:

$$\text{Prequalification Score} = (\text{Quality Score} \times .70) + (\text{Safety Score} \times .30)$$

Firms without VDOT past performance reports will be awarded inactive.

- O. Prospective Bidder – Any person, firm or business entity that intends to submit bids on contracts advertised by the Department.
- P. Quality Score – A number that is derived from a firm’s Quality of Performance Evaluation based on past performance on Department contracts. This score is 70% of a firm’s Prequalification Score. (See Appendix B)
- Q. Safety Score – A number that is based on a Firm’s Experience Modification Ratio (EMR). This score is 30% of a Firm’s Prequalification Score. (See Appendix C)

II GENERAL REQUIREMENTS

- A. All firms must be prequalified prior to submitting a bid as a prime contractor or beginning work as a subcontractor.
- B. All bidders must comply with the bonding requirements in Section 103.05 of the current Road and Bridge Specifications.
- C. There is no limit on the amount of work a prequalified firm can have underway as a subcontractor.

III APPLICATION

The same application will be required whether a firm wishes to bid as a prime contractor or to work as a subcontractor.

Firms desiring to bid on highway projects with a cumulative value in excess of \$100,000 are required to file a complete original annual financial statement (must be current within the past 12 months) and an original Certification of Experience Modification Rate letter (see Appendix A).

Firms unable to obtain a bond for the total value of the work they intend to bid on will be limited to bidding on highway projects with a cumulative value of \$100,000. These firms are required to file a complete original annual financial statement or annual balance sheet (must be current within the past 12 months) and an original Certification of Experience Modification Rate letter (see Appendix A).

- A. **Organizational Structure** – The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form, a signature, and State Driver’s License Number for any principal of the firm that is authorized to submit a bid on the behalf of the firm.

Firms experiencing changes in ownership, organizational structure, or changes in assets must inform the Department within 30 days. Failure of the contractor to comply with this requirement may result in suspension of the contractor’s prequalification until the required submission is made and review completed.

- B. **Classification** – The firm shall indicate the type(s) of work the firm’s workforce and equipment normally perform. Qualification for one or more types of work will be based on the adequacy of equipment, experience, bonding ability, and other pertinent information.
- C. **Experience** – The firm shall furnish information that documents the ability of their organization to undertake a project involving the type(s) of work for which prequalification is requested.
- D. **Equipment** – Firms must document the ability to access sufficient equipment to perform the work, or have sufficient assets to purchase/lease the necessary equipment. Ownership or control of specific equipment may be required. The firm shall furnish a list of all equipment available, whether owned, leased, or otherwise acquired. Arrangements such as valid leases, rental agreements, status as owner, major stockholder, or officer in an equipment company, may be considered. Such arrangements must be reported and fully explained.
- E. **Legal Authorization** – All firms shall be legally authorized to conduct business in the Commonwealth as stated in Section 13.1 of the Code of Virginia.
- F. **Work underway Reports (Forms C-42 and C-42a)** –Both forms, C-42 and C-42a are required to be submitted annually with the prequalification application, or upon a request by the Department.
- G. **Submitting** – The application is to be submitted to the Department at least thirty (30) calendar days prior to submitting a bid or applying to work as a subcontractor. The act of submitting the application does not permit the firm to submit a bid or begin work as a subcontractor. It is the responsibility of the firm to be prequalified before bids are opened, before signing subcontractor agreements, and before requesting to be approved as a subcontractor. Incomplete applications will be returned for further detail or correction.

The application is to be signed, notarized, and mailed/delivered to:

Virginia Department of Transportation
Scheduling and Contract Division, Prequalification Section
1401 East Broad Street
Richmond, Virginia 23219

- H. **Review of Application** – The Department’s Prequalification Officer will review all information to determine the firm’s prequalification eligibility and the type(s) of work the workforces and equipment normally perform. Upon completion of the Department’s Prequalification Officer’s review of the firm’s application, the firm may be granted one of the following three levels of prequalification:
1. **Prequalified** – in good standing with the Department and may bid on all projects up to their bonding ability. This level of prequalification requires a minimum Prequalification Score of 80, a minimum Quality Score of 85 and a minimum Safety Score of 70.
 2. **Prequalified (Probationary)** or inactive - a firm with this level of prequalification is in good standing with the Department with regard to safety and has a demonstrated ability to complete the type of work for which they are requesting prequalification but has not performed work for the Department and thus has no Quality Score. With this level of prequalification a firm can be awarded/have under contract no more than three projects at any given time. Each of these contracts will be limited to a maximum contract value of \$2,000,000. The Contract Engineer has the authority to waive this restriction on a project-by-project basis. Such waiver must be obtained, in writing, by the firm prior to bidding on that project. A firm with this level of prequalification must file an updated Form C-42 including all active VDOT projects each time they submit a bid. A firm at this level of prequalification will be assigned a minimum Prequalification Score of 75, provided they have a minimum Safety Score of 70.
 3. **Prequalified (Conditional)** – a firm with this level of prequalification is below the Department’s desired standard in the area of quality and/or safety. This level of prequalification may also be considered for situations where a firm or its officers have previously filed for bankruptcy. With this level of prequalification a firm can be awarded/have under contract no more than one project at any given time. This contract will be limited to a maximum contract value of \$1,000,000. The Contract Engineer has the authority to waive this restriction on a project-by-project basis. Such waiver must be obtained, in writing, by the firm prior to bidding on that project. A firm with this level of prequalification must file an updated Form C-42 including all active VDOT projects each time they submit a bid. This level of prequalification requires a minimum Prequalification Score of 70, a minimum Quality Score of 75 and a minimum Safety Score of 60. Should the firm not improve to meet the Department’s standards by their next prequalification renewal, the Contract Engineer may Administratively Revoke the firm’s prequalification privileges until the Department’s standards are met.
- I. **Certificate of Qualification** – The firm becomes prequalified when approved by the Prequalification Officer. A Certificate of Qualification signed by the Department’s Contract Engineer will be issued following the firm’s prequalification approval.

The firm should allow 30 calendar days for the prequalification administrative process to be completed.

If the firm is denied prequalification, they may submit supplemental information that corrects any deficiencies. If this information is not received within sixty (60) calendar days, a new application (Form C-32) will be required to be submitted.

IV APPEALS PROCEDURE

The firm has two methods of appeal for an unsatisfactory or denied Certification of Qualification. These two methods include:

1. **Letter of Quality Assurance** – A letter of quality assurance can be filed explaining the methods by which the reasons for denial will be corrected. If the Contract Engineer accepts this letter, the Department will issue a Certificate of Qualification.

2. The Hearing Process – If a letter of quality assurance does not produce a satisfactory result or is not submitted, a hearing before the Prequalification Committee may be requested. This written request must be filed within ten (10) working days after the Certificate of Qualification is issued or after the notification of denial. The hearing shall be scheduled for a mutually agreeable time. Within ten (10) working days after the hearing, the Prequalification Committee will write the contractor describing the Committee’s findings and the status of the Certificate of Qualification.

If the firm is dissatisfied with the Committee’s findings, they may request a hearing before the Board of Review. This written request must be filed within ten (10) business days of the Committee’s ruling. The hearing shall be held at a mutually agreeable time, whereupon:

The firm may submit additional information.

The Board will review all information.

A ruling shall be determined by means of a simple majority.

The ruling of the Board of Review is final.

This ruling shall be forwarded to the Prequalification Committee. Within ten (10) working days of the Board’s ruling, the Committee shall supply written notification of the final decision to the firm.

V **EXPIRATION**

The firm’s prequalification privileges will expire at the assigned expiration date on the certificate of qualification.

Renewal of Prequalification and the Two-year Prequalification Cycle

Prequalified contractors are required to submit a full application (Form C 32), a new certification of experience modification rate, forms C-42 and C-42a and a complete original annual financial statement every two (2) years, or on other intermediate occasions as may be considered necessary by the contractor or the Department. In the event the Department determines that conditions warrant re-evaluation of a contractor’s qualifications, the Department may require the contractor to submit an additional full application (Form C 32), new forms C-42, C-42a, and a complete original annual financial statement or an annual balance sheet. This annual financial statement or annual balance sheet must be current (within the past 12 months).

Prequalified firms nearing the first year of their prequalification cycle need only to submit the prequalification/certification renewal application (Form 32A), new forms C-42 and C-42a, new certification of experience modification rate, and a complete original annual financial statement. Applications shall be filed within thirty (30) calendar days prior to the expiration date of the current prequalification.

VI. **WORK UNDER CONTRACT**

A. PRIME CONTRACT WORK

All bidders are required to submit Form C 42 to the Prequalification Officer annually or upon a request by the Department. All projects in progress, or awarded but not yet begun, for where the firm is the low bidder pending the formal award of the contract, as a prime contractor must be listed. Form C 42 shall be signed by a person authorized to transact business on behalf of the firm as listed on Part B of the Prequalification Application, certifying that to the best of their knowledge the data furnished is complete and accurate. Each project on the form shall include the following data:

- Owner
- Location and Description
- Contract Amount
- Balance to be Completed

B. SUBCONTRACT WORK

All firms are required to submit an annual status of current subcontracts on hand (form C-42A). Form C-42A is required to be submitted annually, or upon a request by the Department. All projects where the firm has work in progress as a subcontractor, and all signed subcontract agreements where the work has not yet begun, must also be listed. Each project on the form shall include the following data:

- Owner
- Prime Contractor
- Location and Description
- Contract Amount
- Balance to be Completed

VIII SUBCONTRACTOR

All subcontractors must be prequalified with the Department unless the item to be sublet is denoted in the contract as a specialty item or the item is indicated as a waiver of prequalification, or the item is declared a specialty item by the Contract Engineer

IX PERFORMANCE EVALUATION

The District Administrator is required to complete a Quality of Performance Evaluation on each contractor and sub-contractor completing a contract in their district. This evaluation will be completed at the end of each project and/or at the end of each construction season for projects that are scheduled for more than one (1) year. This report will be used as a basis for determining the contractor's Performance Rating, and ultimately helping determine the firm's prequalification status.

X TERMINATION OF PREQUALIFICATION PRIVILEGES

- A. Prequalification privileges end at the assigned expiration date on the Certificate of Qualification unless extended by the Department.
- B. Prequalification Extension Policy – All firms with a Prequalification Score of 80.0 or above are eligible to obtain a prequalification extension. Prequalification extensions are limited to three 30-day periods. All requests for an extension of a firm's prequalification are required to meet the following standards:
 - 1. The letter requesting each 30-day extension is required to meet the following standards:
 - a. Be on the firm's original letterhead stationary.
 - b. Be dated before the firm's current prequalification expires.
 - c. Be signed by a person authorized to transact business on behalf of the firm as listed on Part B of the Prequalification Application. (Form C32).

All prequalification extension requests are required to be received in the Prequalification Office in a window opening 30 days before the firm's prequalification date, and closing on the firm's prequalification expiration date.

- C. Prequalification privileges can be administratively revoked immediately if the firm is found to be in violation of the prequalification rules and regulations. Examples include, but are not limited to, the following:

1. The firm is found not to be in good legal standing with the Virginia State Corporation Commission (SCC).
2. Monies owed the Department.

Prequalification privileges, which are administratively revoked, will be reinstated when the firm is found to be back in compliance with the prequalification rules and regulations.

- D. Prequalification privileges can be suspended if the firm is documented to be in violation of Sections 102.01, 102.08 or 110 of the current Road and Bridge Specifications or if the firm has been debarred by a state or federal agency. Firms whose prequalification privileges have been suspended will be enjoined from bidding during the term of the suspension. Examples include, but are not limited to, the following:
1. Documentation of the lack of progress on the Department's projects as stated in Section 102.01 of the Road and Bridge Specifications.
 2. Documentation of poor workmanship on the Department's projects as stated in Section 102.08 of the Road and Bridge Specifications.
 3. Documentation of the failure to meet DBE requirements on the Department's projects as stated in Section 110 of the Road and Bridge Specifications.
 4. Debarment by some other state or federal agency for any reason.
- E. Prequalification privileges can be lost if the firm is found in violation of any of the reasons contained in the Department's "Debarment policy."

If Prequalification is Currently-Inactive, Conditional or Denied

(11-15-07)

Even if the firm is denied Prequalification, all may not be lost. The following are some actions the firm can take to improve a prequalification evaluation.

Short term actions

Submit supplemental material within the 60 day evaluation period

All firms are given a sixty (60) calendar days to correct all the deficiencies on their Prequalification Applications (Form C-32). Supplemental information can be used to revise a firm's Prequalification, if it is received within this 60 day evaluation period. After the (60) day evaluation period has passed, the evaluation period is over and supplemental material will not be accepted.

After the Prequalification Evaluation process is complete, **if the firm is unsatisfied with its evaluation, it should promptly notify the Prequalification Office in writing that it wants to appeal its Prequalification status. Please see "The Prequalification Appeals Process"**

Long term actions

Improve the Prequalification Score

The Prequalification Score is derived from the Contractors Performance Evaluation (CPE) scores and the Safety Index Scores (SIS). Therefore in order to improve the Prequalification Score, the firm must improve either the CPE Scores or the SIS scores, or both.

The **CPE Score** is 70% of the Prequalification Score. It is based on performance reports that are submitted by VDOT'S field forces. Improved field reports can help a firm raise its CPE scores. The firm may want to perform smaller subcontract work in order to receive improved field reports. These improved field reports can be used to raise the firms overall CPE score on future Prequalification evaluations.

The **SIS** is 30% of the Prequalification Score. This independently developed score is a six (6) year average of the Experience Modification Ratio (EMR) scores. The EMR is computed by comparing the accident rate of each individual company to the accident rates to all other companies in the state and in the industry. Since the EMR Score is a six (6) year average, it may take years for an improvement in a firm's accident rate to be reflected in the overall SIS score. Improved safety scores can be used on future Prequalification evaluations.

The Prequalification Appeals Process

(11-15-07)

The Right to Appeal

After the Prequalification Evaluation Process is complete, if the firm is denied Prequalification or receives an unsatisfactory Certificate of Qualification, it has a right to a prompt appeal.

Beginning the Appeals Process

The Appeals Process begins when the contractor formally notifies the Prequalification Office, in writing, that it wants to appeal the unsatisfactory Certificate of Qualification or the Denial of Prequalification.

Upon request, the Prequalification Office will promptly furnish (by fax) the contractor a copy of this Prequalification Appeals Process.

First Level of Appeal

to the
Contract Engineer

The Contract Engineer may be requested to review the prequalification application. Additional information may also be submitted to the Contract Engineer for use in the consideration of the appeal. This additional information may include but it is not limited to the following:

Submit a Letter of Quality Assurance documenting the methods by which the reasons for the prequalification denial will be corrected.

Document Quality/Safety Improvements: The firm should document the changes it has made to improve quality/safety on future projects with the Department. Documentation of new safety programs to improve work quality and safety should also be submitted. Employees hired to implement and enforce these programs should be documented. Other changes in staff to improve safety and quality should also be documented.

Furnish additional Contractors Performance Evaluation (CPE) Reports: At time of prequalification, the firm was furnished a computer print out of all the CPE Reports that were used in the prequalification evaluation. If the firm has copies of missing CPE Reports they should be furnished to the Contract Engineer as part of the Appeals Process. If your firm has not received its Annual CPE Report and/or the CPE Report that was performed at the completion of a project, contact the District Engineer. Request the District Construction Engineer have the CPE performed, and that he/she promptly furnish the original CPE to the Contract Engineer for use in the Appeals Process.

Furnish additional Experience Modification Ratio (EMR) Scores. Your local insurance office can furnish an original EMR letter documenting additional EMR scores. Documented scores going back 10 to 15 years can be used to document that a high EMR score for one year is abnormality in the firm's long term safety record.

The Contract Engineer will review all of the submitted information as well as the firm's prequalification application and render a decision.

The Contract Engineer has the authority to award a Certificate of Qualification, revise a Certificate of Qualification, or to deny the appeal. If the appeal is denied, the contractor will be sent a letter documenting the reason(s) for the denial of the appeal.

Second Level of Appeal
to the
Prequalification Committee

If the appeal to the Contract Engineer does not produce a satisfactory result, the contractor may request a formal appeal with the Prequalification Committee. A written request must be filed with the Prequalification Office within ten (10) working days after the Contract Engineer has issued a decision on the firm's appeal. Please also send a copy of this appeal request to the Contract Engineer. The hearing shall be scheduled for a mutually agreeable time, whereupon:

The contractor may submit additional information

The Prequalification Committee will review all information

The ruling shall be determined by a simple majority

The Prequalification Committee will notify the contractor in writing within ten (10) working days describing the committee's finding and the status of the Certificate of Qualification.

Third & Final Level of Appeal
to the
Board of Review

If the contractor is dissatisfied with the Prequalification Committee's findings, a request for a hearing may be made to the Board of Review. This request must be filed with the Prequalification Office within ten (10) working days of the Prequalification Committee's ruling. Please also send a copy of this appeal request to the Scheduling and Contract Administrator and the Contract Engineer. The hearing shall be held at a mutually agreeable time, whereupon:

The contractor may submit additional information.

The Board of Review will review all information.

The ruling shall be determined by a simple majority.

The ruling of the Board of Review is final.

This ruling shall be forwarded to the Prequalification Committee. Within ten (10) working days of the Board of Review, the Prequalification Committee shall supply written notification of the final decision to the contractor.

HIGHWAY CONTRACTORS PREQUALIFICATION SUBMISSION GUIDE

(10-9-08)

REQUIRED SUBMISSIONS

First Year

- An **original** Form C38 (Current Index Rating Form) & **all** of the following:
 - Safety Policy
 - An **original** EMR Letter It needs EMR scores for the 6 most recent years.
 - OSHA 300 Logs & 300A Logs
 - OSHA/VOSH Citations
 - VDOT Suspensions
- Annual Financial Statement- Page 9 of Form C32 must be completed. A complete original annual financial statement may be submitted to support page 9. Both page 9 & the annual financial statement must be current, with the fiscal year ending within the past 12 months.
- Form C42 (Current Prime Contracts on Hand)
- Form C42A (Current Subcontracts on Hand)
- Form C32 (Prequalification Application)

Second Year

- An **original** Form C38 (Current Index Rating Form) & **all** of the following:
 - Safety Policy
 - An **original** EMR Letter It needs EMR Scores for the 6 most recent years.
 - OSHA 300 Logs & 300A logs
 - OSHA/VOSH Citations
 - VDOT Suspensions
- Annual Financial Statement- Page 9 of form C32 must be completed. A complete original annual financial statement may be submitted to support page 9. Both page 9 & the annual financial statement must be current, with the fiscal year ending within the past 12 months.
- Form C42 (Current Prime Contracts on Hand)
- Form C42A (Current Subcontracts on Hand)
- Form C32A (Prequalification Renewal Application)
- Annual Gross Receipts Survey It is page 10 of Form C-32.

OPTIONAL SUBMISSION

Both Years

- Form C47 (Request to Protect Materials Under the Virginia Freedom of Information Act)

ACCURACY IS MORE IMPORTANT THAN SPEED

The Prequalification Application is considered a legal document by both the Virginia and the Federal Courts. Prequalification applications have been, and may be summoned by the courts. Please prepare your documentation with the up most care so they can be successfully defended if they are ever legally questioned.

Please review your firm's Prequalification Application before it is submitted to prevent delays caused by having to go back and make corrections.

VIRGINIA DEPARTMENT OF TRANSPORTATION PREQUALIFICATION APPLICATION

This application is to be completed by all firms desiring to work or bid on VDOT highway construction contracts.

GENERAL INFORMATION

1. Company's Full Legal Name _____

Street Address _____
City
State
Zip Code

Mailing Address (if different) _____
City
State
Zip Code

_____ (_____) _____ (_____) _____
 Federal Tax ID Number Telephone Number Fax Number

 Contact Person (Must be a person who is authorized on Page 2) and email address (email address will be kept confidential)

 Firm Email address and contact person to be listed on VDOT website

2. Firms Legal Status and History (please check the type of business entity)

- Corporation
 Limited Liability Company
 Sole Proprietorship
 Limited Partnership
 General Partnership
 Business Trust

Date this firm was established: _____

Has this organization transacted business under any other name? YES NO

If yes, under what name(s) did the firm transact business? _____

3. What is the value of the largest project the firm intends to bid? ___\$ _____

4. What is the total value of work the firm can perform at any one time? \$ _____

5. Has the firm ever filed for bankruptcy? Yes No (If yes, please provide a explanation on a separate sheet)

6. Are all owners U.S. citizens? _____ If not, please submit a photo copy of each owner's current INS Registration Cards (Form I-151 or I-551).

7. Ownership of Firm - Document all individuals owning 10% or more of the firm.

-1- Full Legal Name	-2- Driver's License Number and State	-3- Years of Ownership	-4- Ownership Percent	-5- Voting Percent (Corp. only)

If additional space is needed, any page of this application may be copied and added for your convenience.

*** For internal Department use only. Information will not be used in the determination of a firm's prequalification level.**

FIRM TO FIRM RELATIONSHIPS - (All applicants must complete Item A or B)

A. Document all names and complete addresses of all affiliated, financially associated, and subsidiary companies.

Affiliate – Any business entity that is closely associated to another business entity so that one entity controls or has the power to control the other entity directly or indirectly; or, where one business entity systematically shares resources, officers, and/or other management with another business entity to the extent that a business relationship legally exists or is publicly perceived to exist; or, when a third party has the power or controls both; or when one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending or financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity.

-1- Name of Affiliated Company	-2- Affiliated Firm's Address	-3- Federal Tax ID Number	-4- Affiliated Firm's Type of Work	-5- * Affiliated Firm's Relationship to The Applicant	-6- Affiliated Firm's % Interest in Applicant	-7- Applicants % Interest in Affiliated Firm	-8- VDOT Prequalified Y or N

*Relationship between firms may be simply stated as: Grandparent, Parent, Brother/Sister or Child. If firms are related by common owners, or if an authorized individual listed on Page 2 of this application is involved with another firm, the other firm should be listed and the firm's relationship to the applicant should be stated as brother/sister firm(s).

A diagram (Flow Chart) may be submitted as an addition to this list to document the relationship between the firms.

B. _____ is not directly or indirectly related to any other business entity.
(Name of Firm Seeking Prequalification)

Immediate Family Member Business Relationships (Please complete this form for **each individual owner of the firm listed on page 1** and **each individual authorized to transact business with the Virginia Department of Transportation on page 2.**)

ALL OWNERS & AUTHORIZED PERSON'S NAME (ONE PERSON PER PAGE): _____

Do any of your immediate family members own or are involved with another VDOT prequalified contractor? For purposes of this section, "immediate family" includes one's spouse, mother, father, son, daughter, brother, sister.

____ YES ____ NO If yes, please address the following for each relative:

-1- Relative's Name	-2- Relationship	-3- Company Name	-4- Position in Other Company	-5- Financial % in Other Firm

Sheet ____ of ____

Firm's Focus Area of Highway Construction

Please check the work classes that best describe the work performed by your firm's work force using your firm's equipment. Do not include the work performed by subcontractors. Please limit your selections to 10 work classes.

- Grading (002)
 - Excavation (101)
 - Demolition of Building (015)
 - Demolition of Structures (080)
 - Clearing & Grubbing (011)
 - Tunneling (043)
 - Jacking & Boring of Pipe (024)
 - Micro Tunneling (176)
 - Roadside Development (033)
 - Landscaping (106)
 - Erosion Control (070)
 - Wetland Mitigation (063)
 - Soil Stabilization (036)
 - Underdrains (044)
 - Drilling & Blasting (058)
 - Dredging (017)
 - Major Structures (003) (spans greater than 30')
 - Erection & Fabrication Structural Materials (019)
 - Cathodic Protection (160)
 - Welding (083)
 - Post Tensioning (057)
 - Reinforcing Steel Placement (023)
 - Pile Driving & Caisson Foundation (030)
 - Shoring/Sheeting (082)
 - Waterproofing (042)
 - Bridge Repair (055)
 - Deck & Surface Repair (177)
 - Epoxy Work (071)
 - Pneumatically Applied Concrete (178)
 - Marine Construction (054)
 - Underwater Construction & Repair (081)
 - Underwater Utilities (051)
 - Marine Salvage (075)
 - Subsurface Investigation (076)
 - Tunnel Finishing (042)
 - Painting of Bridge & Structures (028)
- Minor Structure (007) (Spans Less than 30')
 - Drainage Structures (005)
 - Masonry Construction (056)
- Guardrail (021)
- Fencing (020)
- Signing (035)
- Portland Cement concrete (006)
 - Pavement (179)
 - Incidental Concrete (022)
 - Slip Forming (180)
 - Pneumatic Mortar (031)
 - Pavement Sawing & Grooving (049)
 - Joint Repair/Underseal Pavement (050)
- Asphalt Pavement (004)
 - Surface Treatment (171)
 - Roadway Milling (013)
 - Slurry Seal of Pavement (068)
- Others
 - Utilities (045) (Water, gas, sanitary sewer, electrical, telephone, and cable)
 - Hazardous Waste Removal (133)
 - Railroad Construction & Repair (032)
 - Electrical Installation (018)
 - Roadway Lighting (072)
 - Traffic Signalization (052)
 - Traffic Management Systems
 - Variable Message Signing (165)
 - Temporary Traffic Management (078)
 - Pavement Markings (029)

ANNUAL BALANCE SHEET

(8-04-08)

This page is required by all firms

(Firms Full Legal Name)

For the Fiscal Year Ending: _____
(Document the month, the day & the year)

ASSETS

Current Assets (1 year or less):

Cash & Bank Account
Accounts Receivable.....
Notes Receivable.....
Other Current Assets.....

Total Current Assets(1a) _____

Non-Current Assets (over 1 year):

Equipment
Real Estate/Land
Other Non-Current Assets

Total Non-Current Assets(1b) _____

TOTAL ASSETS (1a+1b)..... (1c) _____

LIABILITIES

Current Liabilities (1 year or less)

Notes Payable.....
Leases Payable.....
Accounts Payable.....
Other Current Liabilities.....

Total Current Liabilities(2a) _____

Non-Current Liabilities (over 1 year):

Notes Payable – Long term.....
Notes Payable – Equipment.....
Other Non-Current Liabilities.....

Total Non-Current Liabilities(2b) _____

TOTAL LIABILITIES (2a+2b).....(2c) _____

Equity/Capital Stock (1c-2c).....(2d) _____

TOTAL LIABILITIES & EQUITY (2c+2d, must equal 1c).....

AFFIDAVIT

I declare under the penalty of perjury that to the best of my knowledge that this annual balance sheet accurately reflects this company's underlying financial state.

(Printed Name of Authorized Company Officer (on page 2 of Form C32)

(Signature)

Sworn to before me this _____ day of _____, 200 _____.

(Seal) _____

Notary Public

My Commission expires _____ Notary Registration Number _____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

ANNUAL GROSS RECEIPTS SURVEY

THE FIRM IDENTIFIED BELOW ACKNOWLEDGES AND CERTIFIES THAT THIS PAGE ACCURATELY REPRESENTS THE INFORMATION CONTAINED HEREIN.

AUTHORIZED REPRESENTATIVE _____ **SIGNATURE** _____

TITLE _____

FIRM'S FULL LEGAL NAME _____ **VENDOR NO.** _____

FIRM'S ADDRESS _____

CITY _____ **STATE** _____ **ZIP CODE** _____

AGE OF FIRM _____ **FIRM'S STATUS: DBE** _____ **NON-DBE** _____

ANNUAL GROSS RECEIPTS FOR THE FIRM'S FISCAL YEAR ENDING _____

PLEASE CHECK THE APPROPRIATE BRACKET

<input type="checkbox"/> 0 - \$10,000	<input type="checkbox"/> \$35 Million - \$40 Million
<input type="checkbox"/> \$10,000 - \$25,000	<input type="checkbox"/> \$40 Million - \$45 Million
<input type="checkbox"/> \$25,000 - \$50,000	<input type="checkbox"/> \$45 Million - \$50 Million
<input type="checkbox"/> \$50,000 - \$100,000	<input type="checkbox"/> \$50 Million - \$55 Million
<input type="checkbox"/> \$100,000 - \$250,000	<input type="checkbox"/> \$55 Million - \$60 Million
<input type="checkbox"/> \$250,000 - \$500,000	<input type="checkbox"/> \$60 Million - \$65 Million
<input type="checkbox"/> \$500,000 - \$1 Million	<input type="checkbox"/> \$65 Million - \$70 Million
<input type="checkbox"/> \$1 Million - \$2 Million	<input type="checkbox"/> \$70 Million - \$75 Million
<input type="checkbox"/> \$2 Million - \$5 Million	<input type="checkbox"/> \$75 Million - \$80 Million
<input type="checkbox"/> \$5 Million - \$10 Million	<input type="checkbox"/> \$80 Million - \$85 Million
<input type="checkbox"/> \$10 Million - \$15 Million	<input type="checkbox"/> \$85 Million - \$90 Million
<input type="checkbox"/> \$15 Million - \$20 Million	<input type="checkbox"/> \$90 Million - \$95 Million
<input type="checkbox"/> \$20 Million - \$25 Million	<input type="checkbox"/> \$95 Million - \$100 Million
<input type="checkbox"/> \$25 Million - \$30 Million	<input type="checkbox"/> Over \$100 Million
<input type="checkbox"/> \$30 Million - \$35 Million	

COMMENTS: _____

AFFIDAVIT

This form must be signed by an authorized company officer and notarized.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF PREQUALIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

STATE OF _____ **CITY/COUNTY OF** _____

I, _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____

_____ (firm name) and that I have read and understand all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing prequalification approval by VDOT. I understand that VDOT may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or the loss of our firm's prequalification privileges.

I agree to provide written notice to the Virginia Department of Transportation of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of prequalification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Printed Name of Authorized Company Officer Signature

Sworn to before me this _____ day of _____, 200_____.

(Seal) _____
Notary Public

My Commission expires _____, Notary Registration Number _____

Mail completed application to: Virginia Department of Transportation
Prequalification officer
1401 East Broad Street
Richmond, Virginia 23219

APPENDIX A

SAMPLE INSURANCE CERTIFICATION LETTER (12-04-07)

*(This letter must be an original printed on the insurance company's letterhead stationery)

Date: _____

To: Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia, 23219

Attention: Prequalification Officer

RE: _____
(Highway Construction Company's Full Legal Name)

(Address)

(City) (State) (Zip)

Dear Sir:

This is to certify that our company insures the above referenced highway contractor and its Experience Modification Rate (EMR) for the past six (6) years is as follows:

Year	EMR	Year	EMR
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

By: _____
Print Authorized Representative's Name Title

Signature

*If the firm is insured by the state, an equivalent letter from your home state's Bureau of Workers Compensation may be acceptable. Marine construction firms that are covered by the Longshore and Harbor Compensation Act (Jones Act) may submit a copy of the current "Certificate that Employer has secured Payment of Compensation" (Form LS-240).

APPENDIX B
Quality Score Sheet (1 of 2)

Quality Score	X .70	Quality Score	X .70	Quality Score	X .70	Quality Score	X .70
100.0	70.00	95.9	67.13	91.8	64.26	87.7	61.39
99.9	69.93	95.8	67.06	91.7	64.19	87.6	61.32
99.8	69.86	95.7	66.99	91.6	64.12	87.5	61.25
99.7	69.79	95.6	66.92	91.5	64.05	87.4	61.18
99.6	69.72	95.5	66.85	91.4	63.98	87.3	61.11
99.5	69.65	95.4	66.78	91.3	63.91	87.2	61.04
99.4	69.58	95.3	66.71	91.2	63.84	87.1	60.97
99.3	69.51	95.2	66.64	91.1	63.77	87.0	60.90
99.2	69.44	95.1	66.57	91.0	63.70	86.9	60.83
99.1	69.37	95.0	66.50	90.9	63.63	86.8	60.76
99.0	69.30	94.9	66.43	90.8	63.56	86.7	60.69
98.9	69.23	94.8	66.36	90.7	63.49	86.6	60.62
98.8	69.16	94.7	66.29	90.6	63.42	86.5	60.55
98.7	69.09	94.6	66.22	90.5	63.35	86.4	60.48
98.6	69.02	94.5	66.15	90.4	63.28	86.3	60.41
98.5	68.95	94.4	66.08	90.3	63.21	86.2	60.34
98.4	68.88	94.3	66.01	90.2	63.14	86.1	60.27
98.3	68.81	94.2	65.94	90.1	63.07	86.0	60.20
98.2	68.74	94.1	65.87	90.0	63.00	85.9	60.13
98.1	68.67	94.0	65.80	89.9	62.93	85.8	60.06
98.0	68.60	93.9	65.73	89.8	62.86	85.7	59.99
97.9	68.53	93.8	65.66	89.7	62.79	85.6	59.92
97.8	68.46	93.7	65.59	89.6	62.72	85.5	59.85
97.7	68.39	93.6	65.52	89.5	62.65	85.4	59.78
97.6	68.32	93.5	65.45	89.4	62.58	85.3	59.71
97.5	68.25	93.4	65.38	89.3	62.51	85.2	59.64
97.3	68.11	93.2	65.24	89.1	62.37	85.0	59.50
97.2	68.04	93.1	65.17	89.0	62.30	84.9	59.43
97.1	67.97	93.0	65.10	88.9	62.23	84.8	59.36
97.0	67.90	92.9	65.03	88.8	62.16	84.7	59.29
96.9	67.83	92.8	64.96	88.7	62.09	84.6	59.22
96.8	67.76	92.7	64.89	88.6	62.02	84.5	59.15
96.7	67.69	92.6	64.82	88.5	61.95	84.4	59.08
96.6	67.62	92.5	64.75	88.4	61.88	84.3	59.01
96.5	67.55	92.4	64.68	88.3	61.81	84.2	58.94
96.4	67.48	92.3	64.61	88.2	61.74	84.1	58.87
96.3	67.41	92.2	64.54	88.1	61.67	84.0	58.80
96.2	67.34	92.1	64.47	88.0	61.60	83.9	58.73
96.1	67.27	92.0	64.40	87.9	61.53	83.8	58.66
96.0	67.20	91.9	64.33	87.8	61.46	83.7	58.59

APPENDIX B
Quality Score Sheet (2 of 2)

Quality Score	X .70	Quality Score	X .70	Quality Score	X .70	Quality Score	X .70
83.6	58.52	81.4	56.98	79.2	55.44	77.0	53.90
83.5	58.45	81.3	56.91	79.1	55.37	76.9	53.83
83.4	58.38	81.2	56.84	79.0	55.30	76.8	53.76
83.3	58.31	81.1	56.77	78.9	55.23	76.7	53.69
83.2	58.24	81.0	56.70	78.8	55.16	76.6	53.62
83.1	58.17	80.9	56.63	78.7	55.09	76.5	53.55
83.0	58.10	80.8	56.56	78.6	55.02	76.4	53.48
82.9	58.03	80.7	56.49	78.5	54.95	76.3	53.41
82.8	57.96	80.6	56.42	78.4	54.88	76.2	53.34
82.7	57.89	80.5	56.35	78.3	54.81	76.1	53.27
82.6	57.82	80.4	56.28	78.2	54.74	76.0	53.20
82.5	57.75	80.3	56.21	78.1	54.67	75.9	53.13
82.4	57.68	80.2	56.14	78.0	54.60	75.8	53.06
82.3	57.61	80.1	56.07	77.9	54.53	75.7	52.99
82.2	57.54	80.0	56.00	77.8	54.46	75.6	52.92
82.1	57.47	79.9	55.93	77.7	54.39	75.5	52.85
82.0	57.40	79.8	55.86	77.6	54.32	75.4	52.78
81.9	57.33	79.7	55.79	77.5	54.25	75.3	52.71
81.8	57.26	79.6	55.72	77.4	54.18	75.2	52.64
81.7	57.19	79.5	55.65	77.3	54.11	75.1	52.57
81.6	57.12	79.4	55.58	77.2	54.04	75.0	52.50
81.5	57.05	79.3	55.51	77.1	53.97		

APPENDIX C
Safety Score Sheet

EMR	Safety Score	X.30	EMR	Safety Score	X.30
0.00-0.50	100.00	30.00	0.91	79.50	23.85
0.51	99.50	29.85	0.92	79.00	23.70
0.52	99.00	29.70	0.93	78.50	23.55
0.53	98.50	29.55	0.94	78.00	23.40
0.54	98.00	29.40	0.95	77.50	23.25
0.55	97.50	29.25	0.96	77.00	23.10
0.56	97.00	29.10	0.97	76.50	22.95
0.57	96.50	28.95	0.98	76.00	22.80
0.58	96.00	28.80	0.99	75.50	22.65
0.59	95.50	28.65	1.00	75.00	22.50
0.60	95.00	28.50	1.01	74.50	22.35
0.61	94.50	28.35	1.02	74.00	22.20
0.62	94.00	28.20	1.03	73.50	22.05
0.63	93.50	28.05	1.04	73.00	21.90
0.64	93.00	27.90	1.05	72.50	21.75
0.65	92.50	27.75	1.06	72.00	21.60
0.66	92.00	27.60	1.07	71.50	21.45
0.67	91.50	27.45	1.08	71.00	21.30
0.68	91.00	27.30	1.09	70.50	21.15
0.69	90.50	27.15	1.10	70.00	21.00
0.70	90.00	27.00	1.11	69.50	20.85
0.71	89.50	26.85	1.12	69.00	20.70
0.72	89.00	26.70	1.13	68.50	20.55
0.73	88.50	26.55	1.14	68.00	20.40
0.74	88.00	26.40	1.15	67.50	20.25
0.75	87.50	26.25	1.16	67.00	20.10
0.76	87.00	26.10	1.17	66.50	19.95
0.77	86.50	25.95	1.18	66.00	19.80
0.78	86.00	25.80	1.19	65.50	19.65
0.79	85.50	25.65	1.20	65.00	19.50
0.80	85.00	25.50	1.21	64.50	19.35
0.81	84.50	25.35	1.22	64.00	19.20
0.82	84.00	25.20	1.23	63.50	19.05
0.83	83.50	25.05	1.24	63.00	18.90
0.84	83.00	24.90	1.25	62.50	18.75
0.85	82.50	24.75	1.26	62.00	18.60
0.86	82.00	24.60	1.27	61.50	18.45
0.87	81.50	24.45	1.28	61.00	18.30
0.88	81.00	24.30	1.29	60.50	18.15
0.89	80.50	24.15	1.30	60.00	18.00
0.90	80.00	24.00			

**VIRGINIA DEPARTMENT OF TRANSPORTATION
PREQUALIFICATION RENEWAL APPLICATION**

This application may be completed by currently prequalified firms preparing to begin their second year of the two-year prequalification cycle.

(Firms full legal name)

*(Firms mailing address)

(City)

(State)

(Zip)

(Telephone Number)

(Fax Number)

(Email Address)

____ * Please check here if this is a change of the firm's mailing address.

ALL RENEWAL APPLICANTS MUST COMPLETE

Have there been any significant changes in the following critical operational areas since the submission of your firm's last C32 application? (If yes, please provide appropriate documentation on selected pages of a Form C-32 and/or explain the changes on a separate sheet of paper).

	Document and attach the following	YES	NO
1.	<i>Any Changes in Organizational Structure (Corporation, Limited Partnership, Limited Liability Company, Sole Proprietorship, General Partnership, Business Trust)?</i>		
2.	<i>Any change in Ownership Interest of 10% or more?</i>		
3.	<i>Any change in Authorized Individuals?</i>		
4.	<i>Any change in Firm to Firm relationships?</i>		
5.	<i>Any changes in the nature of the firm's work expertise?</i>		
6.	<i>Any gain, loss, or access to equipment that may negatively or positively impact the firm's ability to perform highway construction?</i>		
7.	<i>Has the firm been debarred, denied prequalification, or denied bidding privileges with another agency or any other DOT? If yes, attach a copy of the debarred/denial letter.</i>		
8.	<i>Attach a complete original annual financial statement</i>		
9.	<i>Attach the Status of current Prime Contracts on Hand (Form C42)</i>		
10.	<i>Attach the Status of current Subcontracts on hand (Form C-42A)</i>		
11.	<i>Attach an original Certification of Experience Modification Rate</i>		
12.	<i>Attach an Annual Gross Receipts Survey (Page 10 of Form C32)</i>		

AFFIDAVIT

This form must be signed by an authorized company officer and notarized.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF PREQUALIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

STATE OF _____ **CITY/COUNTY OF** _____

I, _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____

_____ (firm name) and that I have read and understand all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing prequalification approval by VDOT. I understand that VDOT may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or the loss of our firm's prequalification privileges.

I agree to provide written notice to the Virginia Department of Transportation of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of prequalification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Printed Name of Authorized Company Officer Signature

Sworn to before me this _____ day of _____, 200_____.

(Seal) _____
Notary Public

My Commission expires _____.

Mail completed application to: Virginia Department of Transportation
Prequalification Officer
1401 East Broad Street
Richmond, Virginia 23219

STATUS OF CURRENT PRIME CONTRACTS ON HAND

Give full information about all of your contracts as a PRIME contractor whether in progress or awarded but not yet begun; or where you are low bidder pending formal award of a contract. This information cannot be older than 60 days.

-1- OWNER	-2- CONTRACTS LOCATION & DESCRIPTION	-3- CONTRACT AMOUNT	-4- BALANCE TO BE COMPLETED

Page ____ of ____

Total Chargeable Balance to be completed (Total of Column 4) = \$ _____

GRAND TOTAL OF ALL PAGES = \$ _____

In case of joint venture show only your share.

- ____ A I certify the above contract amounts are the true representation of all of the work this firm is responsible for as a PRIME contractor as of the date stated below.
 ____ B I certify that this firm has no work underway as a PRIME contract and is responsible for no work as of the date stated below.

Company's Full Legal Name

Signature of an Authorized Company Official

Date

STATUS OF CURRENT SUBCONTRACTS ON HAND

Give full information about all of your subcontracts as a SUB CONTRACTOR whether in progress and all signed subcontract agreements where the work has not yet begun.
This information cannot be older than 60 days.

-1- OWNER	-2- PRIME CONTRACTOR	-3- CONTRACT'S LOCATION & DESCRIPTION	-4- SUBCONTRACT AMOUNT	-5- BALANCE TO BE COMPLETED

Page ____ of ____

Total Chargeable Balance to be completed (Total of Column 5) = \$ _____

GRAND TOTAL OF ALL PAGES = \$ _____

____ A I certify the above contract amounts are the true representation of all of the work this firm is responsible for as a SUB contractor as of the date stated below.

____ B I certify that this firm has no work underway as a SUBCONTRACTOR and is responsible for no work as of the date stated below.

Company's Full Legal Name

Signature of an Authorized Company Official

Date

**Request for Protection of Prequalification Materials
From Disclosure Under the
Virginia Freedom of Information Act**

Please read before completing this form:

The Virginia Public Procurement Act allows for the exemption of certain Prequalification information from public disclosure. A contractor must request the exemption in writing in order that information contained in the Prequalification application and financial statement be withheld from public view, under the Virginia Freedom of Information Act. This can be accomplished by completing this form. This form must indicate the legal name of the company, the items to be protected, and the reason why the exemption is being requested. (Please be specific) and state specifically why each item is exempt. The Virginia Court System has held that the contents of the entire file may not be protected. For example, just indicating "entire file" is to be exempt is not specific enough and will not protect your information from being disclosed. This request must be signed by an authorized officer of the company as authorized on page 2 of the Prequalification Application (Form C-32).

In submission of it's Prequalification materials:

(Firms Full Legal Name)

hereby invokes the protection of Section 2.2-4342 of the Code of Virginia (Virginia Public Procurement Act), and request protection from public disclosure of certain ownership information.

The data or materials to be protected are:

The reasons why such protection is necessary are:

_____ No protection of our prequalification submission is being requested. (Please check if applicable).

(SIGNATURE OF AN AUTHORIZED COMPANY OFFICER)

(DATE)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION



DEBARMENT AND/OR SUSPENSION POLICY

I. Purpose

Section 33.1-187 of the Code of Virginia ensures that all contracts for the construction, improvement, and maintenance of roads be awarded to the lowest responsible bidder. These contract awards will be the result of open competitive bidding, impartial selection of contracts, honest business practices, and skillful execution of public contracts. The Commonwealth Transportation Board, as the governing body of public agency, has wide discretion in determining the responsibility of the contractor, particularly regarding their moral and ethical judgment. The Board will consider debarment of a contractor under the circumstances and by the procedures outlined in this document.

II. Definitions

Affiliate - Any business entity that controls or can be controlled by another corporation. An affiliate could also be any entity which has been so closely allied with another by lending financial assistance or participating in joint ventures that the relationship has created the public perception that the two firms are a single entity.

Bidding Crime - Any act in violation of state or federal law including, but not limited to, fraud, conspiracy, collusion, perjury or material misrepresentation.

Board - The Commonwealth Transportation Board. A sixteen member body appointed by the Governor of Virginia to make decisions on transportation related issues.

Contractor - Any prequalified person, partnership, corporation or other business entity seeking to bid on any contract let by the Department. A contractor could also function or seek to function as a subcontractor, materials supplier, or equipment supplier for any contract used in the construction or maintenance of the transportation system. This firm must be legally authorized, as stated in Section 13.1 of the Code of Virginia, to conduct business in the Commonwealth.

Debar - To disqualify from contracting with the Department due to perceived irresponsibility of the contractor.

Department - The Virginia Department of Transportation.

Enjoin - To impose bidding restrictions on a contractor.

MBE - Minority Business Enterprise. A small business entity, as defined pursuant to Section 3 of the Small Business Act and related regulations, that is owned and controlled by one or more minorities. This term shall also include Disadvantaged Business Enterprises (DBEs) and Women Business Enterprises (WBEs).

Reinstate - To modify or suspend debarment.

Subcontractor - An individual, partnership, corporation, or other business entity to which the prime contractor sublets or proposes to sublet any portion of a contract.

III. Enjoinment

The Department may enjoin a contractor from bidding *in accordance with Section 102.01* of the Road and Bridge Specifications. The enjoinment of a contractor will result in the enjoinment of any affiliate that has essentially the same operational management or draws from the same labor resource pool. Enjoined contractors and their affiliates will be disqualified from performing work as subcontractors if the Construction Engineer determines that such work could adversely affect other work under contract to the Department. Enjoinment of a contractor by the Department is based on the contracting power of the Department and the discretionary power of the Department. Enjoinment will be issued when, in the opinion of the Department, the contractor has failed to fulfill its obligations under a past contract or in the performance of a current contract.

A. Section 110.04 establishes the guidelines for the use of MBE firms for subcontracting. If the contractor fails to submit the required information as described in this section within the specified time frame, he and his affiliates may be enjoined until the submissions are received by the Department.

Enjoinment may be imposed for up to 60 days if a contractor fails to meet his MBE participation goals for each quarter of the contract as shown on the progress schedule. Upon conformance with the schedule, enjoinment may be lifted.

Enjoinment may be avoided if either of the following occurs:

- the MBE is unable or unwilling to complete his portion of the work, and the prime contractor shows reasonable effort to fulfill the MBE requirement otherwise.
- the Department has eliminated or delayed work which the contractor, as shown on the progress schedule, had planned to sublet to an MBE firm.

If the contractor fails to meet the MBE participation requirements upon completion of the project, the contractor and any affiliates may be enjoined for 90 days. Prior to enjoinment, the contractor may submit documentation to the Construction Engineer indicating the reasons for failure to comply with the requirements. If the failure to comply was due solely to quantity under-runs or elimination of items subcontracted to MBEs, the contractor must show that all feasible means were used to obtain the required participation. The Construction Engineer will determine if the contractor has met the contract requirements.

If the Construction Engineer determines that the contract requirements were not met, the contractor may request an appearance before a panel appointed by the Commissioner. The contractor must explain to the panel how all feasible means were used to meet the MBE participation requirements. Enjoinment will begin upon the contractor's failure to request a hearing or upon the panel's final decision.

The Department will not enjoin a firm that has complied with the contract requirements on all issues but failed to meet the MBE goals of the project, when the contractor has achieved a level that is at least equal to the current federal requirements placed on the Commonwealth.

B. Section 102.01 requires all contracted work to be completed as scheduled. If a contractor is delinquent in excess of ten (10) percent either on the basis of time or money, enjoinment may be imposed. A contractor's delinquency will be determined by comparing the monthly progress estimate to the latest approved project schedule. If the contractor does not complete the necessary work to eliminate the discrepancy within thirty (30) calendar days, or he does not establish that the delinquency was attributable to conditions beyond his control, he may be removed from the list of prequalified bidders until final acceptance of the project.

IV. Debarment

The Commissioner, in his sole discretion, may debar a contractor or his affiliates for any of the following reasons:

- A. Proof of involvement in a bidding crime, including
 1. conviction,
 2. a plea of guilty or nolo contendere,
 3. a public admission by a co-conspirator, or
 4. contractor testimony protected by a grant of immunity in any jurisdiction;
- B. Conviction of an offense that shows a lack of moral or ethical integrity by the company;
- C. Debarment by some other state or federal agency for any reason.

According to Board policy, the contractor will be given an opportunity for an informal hearing before the Commissioner. At the sole discretion of the Commissioner, the hearing could be held before or after debarment is imposed. If the Commissioner determines that the hearing may be held prior to debarment, he shall send written notice by mail to the affected contractor or his agent stating the following:

- debarment is being considered;
- general reasons for the debarment;
- the contractor will be granted a hearing, if it is requested within ten (10) working days of having received the Commissioner's notice.

Unless mutually agreed upon otherwise, the hearing will be held no later than ten (10) working days after the Department has received the contractor's request. The Commissioner's decision concerning debarment will be reviewed by the Board and executed within thirty (30) calendar days following the next regularly scheduled Board meeting.

If the Commissioner determines that debarment is appropriate prior to the hearing, he shall send a written notice by registered mail stating the following:

- the affected contractor has been debarred;
- general reasons for the debarment;
- the contractor will be granted a hearing, if it is requested within ten (10) working days of having received notice of debarment.

If the contractor notifies the Commissioner that he desires a hearing, it will be held within ten (10) working days of the contractor's request, unless mutually postponed. The Commissioner's decision whether to reinstate the contractor will be reviewed by the Board and executed no later than thirty (30) calendar days following the next regularly scheduled Board meeting.

V. Rules Applicable to Debarment

A. The illegal or improper conduct of an individual may be fully imputed to the firm with which they are, or were, employed when the conduct in question occurred. Furthermore, the illegal or improper conduct of a firm may be fully imputed to an individual or individuals having control over the affairs of the firm.

B. Debarment of a contractor in no way affects his obligations to the Commonwealth for any services already under contract.

C. The debarment may be imposed for any length of time.

D. If the Board finds that debarment proceedings would not be in the public's best interest because they may hinder federal/state investigations into a bidding crime, the proceedings may be delayed until those investigations are concluded. Any delay of the proceedings shall be made after written notice and an opportunity for a hearing are given to the contractor.

E. Any contractor currently prequalified to bid on Department contracts shall notify the Commissioner within thirty (30) calendar days of being convicted of any bidding crime. The same applies to any contractor who has previously bid or performed business as a material or equipment supplier. Failure to do so is a serious and compelling offense which alone could result in debarment.

F. Debarment of a contractor applies to any successor company formed with the same resources, owners or stockholders as the debarred entity.

VI. Reinstatement

The Board may suspend debarment at any time if the suspension is in the public's best interest. Mitigating circumstances may be considered in the decision to reinstate a contractor. These circumstances may include the following:

- A. The degree of culpability of the contractor;
- B. Whether a lengthy debarment will protect the Commonwealth;
- C. Restitution by the debarred contractor to the Commonwealth for any perceived overcharges or other damages resulting from a bidding crime. The Board believes restitution may indicate an acknowledgment by the contractor of the wrongfulness of his acts and may indicate a sincere desire to improve future conduct;
- D. Cooperation by the debarred contractor with the Commonwealth, the United States and/or other sovereign bodies in the investigation of bidding crimes, including a full and complete account of the contractor's involvement;
- E. Disassociation with the individuals and firms that have been involved in a bidding crime.

The Board may request that the Commissioner hold a hearing to consider reinstatement. This hearing will take place no later than fifteen (15) working days prior to the last day of the debarment. After receiving the Commissioner's report, the Board may determine that the contractor has not acted as a responsible bidder and decide to continue the debarment period indefinitely. At any time during the debarment period the contractor may justify why the penalty should be lifted. The debarment may be lifted once the Board has determined that the contractor qualifies as a responsible bidder.

VII. Supplier

The Debarment and/or Suspension Policy shall be fully applicable to all contractors eligible to do business with the Department's Administrative Services Division. When possible, these contractors will receive a notice regarding the applicability of this policy to their situation.

The Department is empowered to set those terms, conditions or specifications in its contracts that are necessary to preclude a contractor's participation as a supplier when he is not prequalified.

VIII. Notice to Contractor

A copy of these guidelines shall be distributed to each prequalified contractor.

Amended: September 15, 1983
 July 1, 1985
 September 5, 1991
 June 16, 1993
 March 23, 1995
 August 2, 1995