

## **RESPONSIBILITY CRITERIA OF THE CONTRACTOR FIRM**

Before award of a public works contract, a bidder must demonstrate its responsibility to complete the project. Contractor (Bidder) responsibility is determined from successfully meeting Washington State criteria as established in RCW 39.04 and supplemental project-specific criteria established by Community Transit as allowed by RCW 39.04.

**To comply with the responsibility criteria for this Bid, the Bidder must provide information as required under sections 1-7 and 1-8 of this ITB. If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, Community Transit may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.**

### **1-7 WASHINGTON STATE RESPONSIBILITY CRITERIA**

To meet the responsibility criteria for this bid and to be considered a responsible bidder and qualified to be awarded a public works project contract, the bidder shall meet Washington State requirements:

- (a) At the time of bid submittal, provide proof that they have a certificate of registration in compliance with chapter 18.27 RCW;
- (b) Provide Community Transit a current state unified business identifier number;
- (c) If applicable, show proof of industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW; and
- (d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).

### **1-8 SUPPLEMENTAL PROJECT-SPECIFIC CRITERIA**

In addition to Washington State requirements and as allowed in RCW 39.04, a responsible bidder shall also meet the following supplemental project-specific criteria:

#### **1-8.1 QUALIFICATIONS OF THE CONTRACTOR FIRM**

Community Transit will accept bids only from qualified contractors who have successfully performed similarly sized or scoped projects. Contractors shall provide evidence of qualifications by submitting the following:

- (a) Provide a brief description of the history and capabilities of the Contractor Firm (1 page maximum).
- (b) Describe the types of projects or services the firm has performed and the dollar value of each in the last five year period (provide 10 projects maximum).
- (c) Provide a one-page list of referrals that we may contact. List names, positions and telephone numbers of previous clients for which your firm has performed projects of similar size and dollar value completed within the last 5 years. Use the standard Reference Form provided in this Bid package or submit a printed listing that shows the required information contained in the reference form (Attachment C) in Section 8.

**1-8.2 FINANCIAL QUALIFICATIONS OF THE CONTRACTOR FIRM**

A responsible contractor shall be in a stable financial condition, such that this project can be successfully completed. Contractors shall provide evidence of qualifications by submitting the following:

- (a) Provide firm's certified audited financial statements for the past 5 years.
- (b) Provide the firm's current bonding capacity and state the ability of the firm to bond this project.
- (c) List the bonding company name, contact person, telephone number of your bonding agent, and include a statement from your bonding agent pertaining to the commitment to bond this project.

**1-8.3 QUALIFICATIONS OF THE PROPOSED PROJECT TEAM**

Community Transit requires a qualified project team dedicated to the successful completion of this project. A responsible contractor shall demonstrate that their proposed project team is qualified for this project. Please provide information to describe the project team as follows: List the individuals proposed for this Project Team. Include a minimum of the following: Principal in Charge, Project Manager, Project Superintendent, Project Engineer. Include each member's name, title, resume, history of employment, education, length of time with the current firm. A qualified team will have the minimum 7 years of experience in their respective positions with specific experience working on projects of similar size and scope to this one. Provide the most recent example of at least one project of similar size and scope. Provide information on the capacity that each person served on the provided projects and the length of time they performed in that capacity.

NOTE: If selected for contract award, Bidder acknowledges that it will provide, for the duration of the Project, the full compliment of staff, including the specific persons identified in this Bid. Any changes to these Team Members shall be approved in writing by Community Transit.

**1-8.4 CONTRACTOR'S ABILITY TO CONTROL THE PROJECT SCHEDULE AND BUDGET**

A responsible contractor shall be able to successfully demonstrate cost and schedule control in their projects. Describe how you controlled the project schedule and project budget on the last three projects completed within the last 5 years. Were these projects completed on time and within the Owner's budget? Provide sufficient detail and references for these projects.

**1-8.5 CONTRACTOR'S APPROACH**

A responsible contractor shall have experience in constructing multiple-story cast-in-place, long-span, post-tensioned parking garages, in the last 10 years. Have you performed concrete cast-in-place, long-span, post-tensioned parking garages, in the last 10 years? Provide a brief narrative with the relevant details of the last two projects, where you constructed parking garages utilizing the concrete cast-in-place, long-span, post-tensioned construction method. If this method was not used then provide a brief narrative about the relevant details of the last successful parking garage that you constructed. What were the materials used? What methods of construction did you use?

**1-8.6 CONTRACTOR'S SAFETY, QUALITY CONTROL / ASSURANCE**

A responsible contractor shall have effective and successful safety and quality control programs.

Describe the Safety Program that your firm employed during construction during a similarly sized/scoped project. Describe the Quality Control Plan that your firm employed during construction during a similarly sized/scoped project, and the levels and authority of the

individuals assigned quality control responsibility (Limit QA/QC discussion to one page). Demonstrate success with both your safety program and quality control plan with sample projects where they were used. Provide contact information for project references who dealt specifically in these aspects.

## **1-9 SUBCONTRACTOR RESPONSIBILITY REQUIREMENTS**

As per RCW 39.06, public works contractors to verify responsibility criteria for each first tier subcontractor and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in sections 1-7 items (a) through (d) above and possesses an electrical contractor license, if required by chapter 19.28 RCW, or an elevator contractor license, if required by chapter 70.87 RCW. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier. The Contractor shall certify that this verification is complete prior to contract close-out.

## **1-10 RESPONSIBILITY CRITERIA EXCEPTION & CLARIFICATION REQUESTS**

In a timely manner before 4p.m. September 18, 2007, potential bidders may request Community Transit modify the responsibility criteria established for this bid. Community Transit shall evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, Community Transit must issue an addendum to the bidding documents identifying the new and/or changed criteria.

## **1-30 PROTEST/APEAL PROCEDURES**

Vendors have the right to appeal a Bid solicitation or award of contract issued by Community Transit pursuant to the following procedural steps:

### **1-30.1 Pre-Award**

- A. Prior to a Bid award, vendors may submit an appeal or protest based on the specifications or other terms in a solicitation document which are apparent prior to the date established for submission of the Bid. Any such appeal or protest must be submitted in writing and addressed to the Community Transit Chief Financial Officer no later than seven (7) business days prior to the date established for submission of the Bid. The Chief Financial Officer shall give consideration to all facts and issues involved with the appeal or protest and provide a written decision within five (5) business days following receipt of the appeal or protest.
- B. In the event that a vendor is not satisfied with the decision rendered by the Chief Financial Officer, the vendor shall have the right to appeal to the Director of Administration. The appeal of the Chief Financial Officer's decision must be received in the office of the Director of Administration within five (5) business days following receipt of the Chief Financial Officer's decision. The Chief Financial Officer shall present all relevant facts and issues to a committee chaired by the Director of Administration which includes General Counsel and the Department or Division Head who requisitioned the purchase. The Director of Administration will return a written decision to the vendor presenting the appeal within five (5) business days of receiving the appeal or protest.
- C. A vendor shall have the right to seek further remedy should the decision of the

Director of Administration not be acceptable. The vendor shall provide a written appeal to the Chief Executive Officer within five (5) business days of receiving the decision of the Director of Administration.

The Chief Executive Officer shall give consideration to all relevant facts and render a decision within five (5) business days of receiving the vendor's appeal. The decision of the Chief Executive Officer shall be final and binding.

- D. When the award is funded in part by FTA funds, the vendor may appeal to FTA pursuant to FTA regulations. FTA will only review protests regarding the alleged failure of Community Transit to have followed such protest procedures. Any such appeal to FTA must be in writing and received by FTA not later than five (5) business days following a final decision rendered by Community Transit or after Community Transit has failed to render a final decision on the protest.

#### 1-30.2 Determination of Non-Responsibility

If Community Transit determines a bidder to be not responsible, Community Transit shall provide, in writing, the reasons for the determination. The bidder may appeal the determination within three (3) business days by presenting additional information to the Community Transit Chief Financial Officer. Community Transit shall consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, Community Transit may not execute a contract with any other bidder until two (2) business days after the bidder determined to be not responsible has received the final determination.

#### 1-30.3 Post-Award

A. Vendors may appeal or protest a Bid award as soon as practical following the notification of award, but no later than five (5) business days following the notification of award. All protests and appeals must be submitted in writing and be addressed to the Community Transit Chief Financial Officer. The Chief Financial Officer shall give consideration to all facts and issues involved with the appeal and provide a written decision within five (5) business days following receipt of the appeal or protest.

- B. In the event that a vendor is not satisfied with the decision rendered by the Chief Financial Officer, the vendor shall have the right to appeal to the Director of Administration. The appeal of the Chief Financial Officer's decision must be received in the office of the Director of Administration within five (5) business days following receipt of the Chief Financial Officer's decision. The Chief Financial Officer shall present all relevant facts and issues to a committee

chaired by the Director of Administration which includes General Counsel and the Department or Division Head who requisitioned the purchase. The Director of Administration will return a written decision to the vendor presenting the appeal within five (5) business days of receiving the appeal or protest.

- C. A vendor shall have the right to seek further remedy should the decision of the Director of Administration not be acceptable. The vendor shall provide a written appeal to the Chief Executive Officer within five (5) business days of receiving the decision of the Director of Administration.

The Chief Executive Officer shall give consideration to all relevant facts and render a decision within five (5) business days of receiving the vendor's appeal. The decision of the Chief Executive Officer shall be final and binding.

- D. When the award is funded in part by FTA funds, the vendor may appeal to FTA pursuant to FTA regulations. FTA will only review protests regarding the alleged failure of Community Transit to have followed such protest procedures. Any such appeal to FTA must be in writing and received by FTA not later than five (5) business days following a final decision rendered by Community Transit or after Community Transit has failed to render a final decision on the protest.