

**ATTACHMENT B: SELECTION CRITERIA**

**Rating Process**

FORA staff will determine responsiveness and evaluate all prequalification submittals. The rating process will consider all the required and submitted information. Interviews with the highest-ranking teams may be scheduled at the sole discretion of Fort Ord Reuse Authority (FORA) staff.

Prequalification Submittal Rating Process:

The Prequalification submittals received will be analyzed and scored by members of an evaluation team. Each member of the evaluation team will assign a point score according to the following grading schedule. Points assigned by the individual team members will then be averaged to determine a Total Quality Points score for each Proposer. The final scores will be used to establish the short-list of prequalified contractors that will be eligible to bid on FORA projects.

<b>Demonstrated Experience of the Firm</b>		
1	Firms demonstrated number of completed hazardous material and building removal contracts on former Fort Ord	1 point
2	Firms demonstrated <u>zero</u> "serious," "willful" or "repeat" violations of Cal OSHA safety or health regulations in the past 5 years.	1 point
3	Firm has an Experience Modification Rate (EMR) lower than 1.0	1 point
4	Firm has zero dollars in cited or assessed penalties to the firm or owner from the state or federal Environmental Protection Agency (EPA) or any local/regional Air Quality Management District or any Regional Water Quality Control Board	1 point
5	Firm current work force from the tri-county area exceeds 50%	1 point
6	Firm commits to hire no less than 30% of its work force from tri-county area	1 point
7	Answered 'NO' on Part III, Questions 6-12, "Disputes"	1 point
8	Answered 'NO' on Part III, Questions 13-15, "Criminal Matters and Related Civil Suits"	1 point
9	Answered 'NO' on Part III, Questions 24, "Prevailing Wage and Apprenticeship Compliance Record"	1 point
10	Organization's Safety Program is written	1 point
<b>Demonstrated Experience and Training of Project Personnel</b>		
11	Demonstrated Responsible Managing Employee (RME) experience on projects in the MBUPCD valued over \$250,000	1 point per project 3 projects max
12	Demonstrated Responsible Managing Employee (s) (RME) experience managing hazardous material and building removal projects valued over \$750K	1 point
13	Demonstrated Key Employee's experience on projects in the MBUPCD valued over \$250,000. Points limited to 1 superintendent, 1 on-site project manager, and 1 safety compliance officer.	1 point per 3 employee max
14	Demonstrated Key Employee's experience on projects with size and scope greater than \$750K and over 250,000 SF. Points limited to 1 superintendent, 1 on-site project manager, and 1 safety compliance officer.	1 point per employee 3 employee max

## GENERAL PROVISIONS

### **1. Administrative Rules Governing this RFQ Process**

FORA's Administrative Rules governing the Submission of Prequalification submittals follow. By virtue of submission of a Prequalification submittal, the Proposer agrees to be bound by said Administrative Rules with regards to this RFQ and said Prequalification submittal. Said rules shall in no way act to limit FORA's right to negotiate additional or different terms if FORA deems it necessary.

FORA reserves the right to reject any and all Prequalification submittals, in whole or in part, as well as the right to issue similar RFQs in the future. This RFQ is in no way an agreement, obligation, or contract and in no way is FORA or the State of California responsible for the cost of preparing the prequalification submittal. One copy of a submitted prequalification submittal will be retained for official files and becomes a public record.

FORA policy is to follow the intent of the California Public Records Act (PRA). If a Contractor's prequalification submittal contains material noted or marked as confidential and/or proprietary that, in FORA's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If FORA does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a Contractor is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its prequalification submittal.

### **2. General**

This solicitation document, the evaluation of prequalification submittals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services.

In addition to explaining FORA's requirements, the solicitation document includes instructions which prescribe the format and content of prequalification submittals.

### **3. Errors in the solicitation documents**

If a Contractor submitting a prequalification submittal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Contractor shall immediately provide FORA with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, FORA may modify the solicitation document prior to prequalification submittals due date and time by issuing an addendum to all Contractors to whom the solicitation document was sent.

If prior to prequalification submittals due date and time a Contractor submitting a prequalification submittal knows of or should have known of an error in the solicitation document but fails to notify FORA of the error, the Contractor's prequalification submittal shall be submitted at its own risk, and if the Contractor is prequalified, it shall not be entitled to additional consideration by reason of the error or its later correction.

#### **4. Questions regarding the solicitation document**

If a Contractor submitting a prequalification submittal believes that one or more of the solicitation document's requirements is onerous or unfair, the Contractor may submit a written request that the solicitation document be changed. The request must set forth the recommended change and Contractor's reasons for proposing the change. Any such request must be submitted to FORA by the date and time listed in this RFQ for "Deadline to Submit Questions and Clarifications".

#### **5. Addenda**

FORA may modify the solicitation document prior to prequalification submittals due date and time by faxing an addendum to the Contractors to whom the solicitation document was sent. If any Contractor determines that an addendum unnecessarily restricts its ability to submit a prequalification submittal, it must notify FORA no later than one day following the posting of the addendum.

#### **6. Withdrawal and resubmission/modification of prequalification submittals**

A Contractor is to notify FORA in writing if they wish to withdraw their prequalification submittal at any time prior to prequalification submittals due date and time. The notice must be signed by the Contractor. The Contractor may thereafter submit a new or modified prequalification submittal, provided that it is received at FORA no later than the prequalification submittal due date and time listed in this RFQ. Modifications offered in any other manner, oral or written, will not be considered. Prequalification submittals cannot be changed or withdrawn after the prequalification submittal due date and time listed in this RFQ.

#### **7. Evaluation process**

The evaluation team will review all prequalification submittals that are received to determine compliance with solicitation document requirements.

If a prequalification submittal fails to meet a material solicitation document requirement, the prequalification submittal may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. Immaterial deviations may cause a prequalification submittal to be rejected.

Prequalification submittals that contain false or misleading statements may be rejected if, in FORA's or FORA's consultant's opinion, the information was intended to mislead FORA regarding a requirement of the solicitation document.

During the evaluation process, FORA may require a Contractor's representative to answer questions with regard to the Contractor's prequalification submittal. Failure of a Contractor to demonstrate that the claims made in its prequalification submittal are in fact true may be sufficient cause for deeming a prequalification submittal non-responsive.

#### ***8. Rejection of prequalification submittal***

FORA may reject any or all prequalification submittals and may or may not waive an immaterial deviation or defect in a prequalification submittal. FORA's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a Contractor from full compliance with solicitation document specifications. FORA reserves the right to accept or reject any or all of the items in the prequalification submittal, if it is deemed in FORA's best interest. Moreover, FORA reserves the right to make no selection if prequalification submittals are deemed to be against the best interest of FORA.

#### ***9. Suitability of prequalification submittal***

FORA reserves the right to determine the suitability of prequalification submittals on the basis of a prequalification submittal's meeting administrative requirements, technical requirements, and its assessment of the application including the demonstrated experience of the firm, the demonstrated experience and training of project personnel, and other evaluation criteria identified in this Attachment.

#### ***10. Decision***

Questions regarding FORA's prequalification of contractors on the basis of prequalification submittals submitted in response to this solicitation document, or on any related matter, should be addressed to the individual listed in the Submission and Delivery Instructions section of this RFQ, who will forward the matter to the appropriate Contracting Officer.

#### ***11. Submittal Disposition***

Qualifications submitted become the property of FORA. Information contained in the received SOQs becomes public property and may be subject to disclosure laws. In order to protect any proprietary information from public disclosure, the Respondent must identify any information as such upon submission, must request protection of such information, and must state the reasons why protection is necessary. FORA reserves the right to make use of any information or ideas contained in the submittals. All materials, ideas, and formats submitted in response to the RFQ will become the property of FORA on receipt and may be returned at FORA option and at the Respondent's expense.

**12. Non-Endorsement**

If a submittal is accepted, the Respondent agrees to not issue any news releases or other statements which state or imply FORA endorsement of the Respondent's services.

**13. Prevailing Wage**

The Respondent must demonstrate compliance with the following FORA Prevailing Wage Requirement per FORA Master Resolution §1.01.050 and §3.03.090, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code to workers performing "First Generation Construction." Respondents shall demonstrate experience complying with, as applicable, all local, State, and federal public works laws, including, but not limited to, Department of Industrial Relations bidding requirements, contractor registration, and any additional requirements.

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