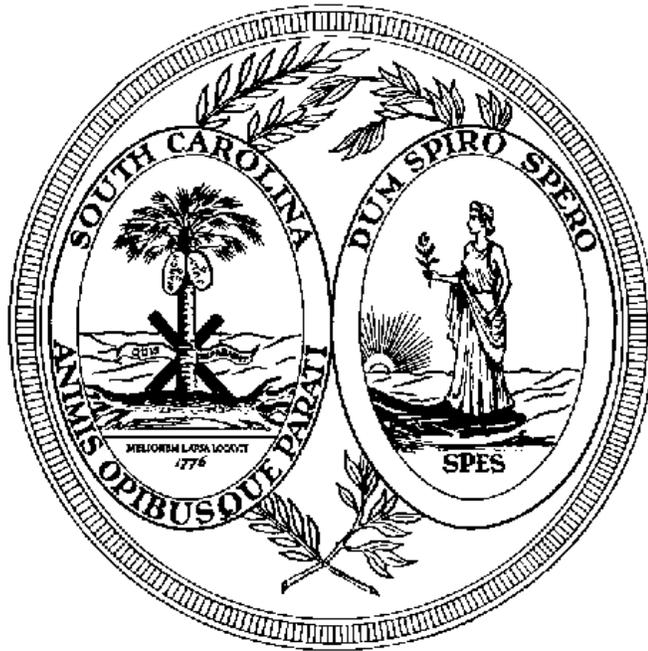


Pre-qualification Handbook

For Construction Bidding



State of South Carolina

Office of State Engineer

2008

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I. IMPORTANT PROVISIONS OF THE LAW

Section 11-25-1825 of the South Carolina Consolidated Procurement Code allows the State to pre-qualify construction bidders and sub-bidders on a specific construction project under specific and limited conditions. The statute does not require any agency to incorporate a pre-qualification step as part of the competitive sealed bidding process. Instead, it authorizes every agency to use pre-qualification and describes certain requirements that the project must meet if an agency chooses to do so.

- The statute requires that the Office of State Engineer (OSE) develop a procedure and list of criteria agencies must use for the pre-qualification of construction contractors.
- Regulation 19-445.2145(G) requires that the procedure and criteria developed by the Office of State Engineer be incorporated into the *Manual for Planning and Execution of State Permanent Improvements—Part II*.
- The State Engineer must approve an agency's use of prequalification by written determination and may do so only upon the agency's demonstration that the project is either:
 - a. Over \$10,000,000 in construction value; or,
 - b. Unique in nature.
- The statute requires that OSE supervise all prequalification projects.

This Handbook is issued pursuant to the authorities cited above and is a part of the *Manual for Planning and Execution of State Permanent Improvements—Part II*. The provisions of this Handbook are applicable to state agencies who use pre-qualification as a part of the competitive sealed bidding process as defined in SC Code §11-35-3020 or the competitive sealed proposal process SC Code § 11-35-1530.

II. OVERVIEW OF THE PRE-QUALIFICATION DOCUMENTS

This Handbook contains documents designed to help the Agency solicit statements of qualifications and to collect the information that an agency will need to carry out a pre-qualification procedure and to establish a fair, objective, and consistent statewide standard for evaluating potential contractors.

1. Model Prequalification Information Packages

The prequalification process requires public notice and the solicitation of responses from prospective contractors. These responses are hereinafter referred to as statements of qualifications. The typical SCBO notice provides limited, basic information and refers to an information package that is available to interested parties. The first sample information package addresses the prequalification of prime contractors only. The second sample addresses the situation where the agency has chosen to prequalify

both the general contractor and one or more listed subcontractors. The following documents are a part of each Model Prequalification Information Package.

a. Contractor’s Qualification Questionnaire

The questionnaire includes spaces for answers the contractors are to provide on the forms that they are to return to the agency.¹ This questionnaire includes requirements for prospective bidders to submit certain documentation with the completed questionnaire. The completed questionnaire and required documentation constitute a prospective bidder’s statement of qualifications.

b. Past Performance Interview Questions

This is a list of thirteen questions the Agency is to ask the contractor’s past performance references. The agency may, in its sole discretion, ask additional questions to ensure full understanding of the responses offered by the past performance references.

c. Instructions for Past Performance Interviews

This document defines process the agency’s designated interviewer should use for conducting the reference interviews.

d. The Scoring Process

This document defines the minimum requirements for pre-qualification; the list of questions the agency is to score; and the associated point structures.

e. Pre-qualification Scoring Matrix

The agency is to use the scoring matrix for summarizing the scores assigned during the agency’s rating of the responses submitted by the contractors and references.

2. Sources for Verification of Information

This section of the Handbook provides a list of sources of information that an agency may use to verify the accuracy of many of the answers given by the contractors to the questions on the questionnaire. Contractors seeking pre-qualification provide information to public agencies under oath, with the understanding that the intentional providing of false information is grounds for disqualification. The agency will and should generally accept contractor provided information at face value. The agency may use the list of sources of information in the few instances in which an agency reviewing the answers given in a questionnaire has specific reason to believe it should verify one or more answers.

III. PROTEST RIGHTS

As provided in §11-35-1825, the determination of which bidders are pre-qualified, and thereby entitled to bid, is not protestable under §11-35-4210 or any other provision of the code.

¹ The documents included in this package are on the OSE Web site, <http://www.mmo.sc.gov/MMO/ose/MMO-ose-index.phtm>.

IV. MODEL SCBO ADVERTISEMENT FOR CONTRACTOR PREQUALIFICATION:

Request for Qualifications

For The

[Project Name & Number]

[Agency name]

[Agency location]

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [prime contractors – prime contractors and listed subcontractors – listed subcontractors] (*prime contractors and/or listed subcontractors, if any, are hereinafter collectively referred to as “Contractors” and individually as “Contractor”*) on [Name of specific project] to be undertaken by the Agency must be pre-qualified prior to submitting a bid on this project. It is mandatory that all Contractors who intend to submit a bid shall fully complete a qualification questionnaire; provide all materials requested therein; and be approved by Agency to be on the final qualified Contractors list. (*The qualification questionnaire and materials requested herein are hereinafter collectively referred to as the “statement of qualifications”*). No bid will be accepted from a Contractor that has failed to comply with these requirements. The last date to submit a complete statement of qualifications is [mm/dd/yy] *[at least 35 days prior to the bid closing date]*. Interested parties may obtain an Information Package containing instructions for preparation and delivery of the statement of qualifications from *[include agency contact person information]*. Statements of qualification are to be submitted to the agency no later than *[include delivery date and time]*.

PROJECT DESCRIPTION

Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.

Construction disciplines required for the project include, but are not limited to:

Provide a listing of the trade specialties required or anticipated based on the current design documents.

V. MODEL INFORMATION PACKAGES

The agency must provide the following information package to any interested party based on a published SCBO notice for pre-qualification of prime contractors only. The Agency should modify this document to address whether the Agency will prequalify specified subcontractors as well as prime contractors or even prequalify specified subcontractors without prequalifying prime contractors. The Questionnaire may require modification due to project-specific circumstances such as licensing, bonds, and insurance requirements. OSE will assist the agency in making any changes.

REQUEST FOR STATEMENTS OF QUALIFICATIONS FROM [PRIME CONTRACTORS – PRIME CONTRACTORS AND LISTED SUBCONTRACTORS – LISTED SUBCONTRACTORS] FOR FORTHCOMING CONSTRUCTION PROJECT

Notice is hereby given that [Agency Name] (hereinafter “Agency”) has determined that all [prime contractors – prime contractors and listed subcontractors – listed subcontractors] (prime contractors and/or listed subcontractors, if any, are hereinafter collectively referred to as “Contractors” and individually as “Contractor”) on [Name of specific project] (hereinafter the “Project”) to be undertaken by the Agency must be pre-qualified prior to submitting a bid on that project. It is mandatory that all Contractors who intend to submit a bid shall fully complete the qualification questionnaire; provide all materials requested herein; and be approved by Agency to be on the final qualified Contractors list. (The qualification questionnaire and materials requested herein are hereinafter collectively referred to as the “statement of qualifications”). No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities plan to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a complete statement of qualifications is [mm/dd/yy] [at least 35 days prior to the bid closing date]. Contractors are encouraged to submit statements of qualifications as soon as possible, so that they may be notified of their pre-qualification status well in advance of the bid advertisement for this project.

PROJECT DESCRIPTION

Provide a one- or two-paragraph description of the general scope of the project, including the most current construction budget and construction time.

Construction disciplines required for the project include, but are not limited to:

Provide a listing of the trade specialties required or anticipated based on the current design documents.

[Note: If Agency is prequalifying listed subcontractors, insert the following, otherwise proceed to Project Information:

LISTED SUBCONTRACTORS

Agency has determined that the qualifications and experience of firms providing the work associated with the following crafts or trades are a critical element in ensuring the successful completion of the Project and any such firm seeking to provide a sub-bid on this project must be prequalified.

Provide a list of those trade specialties that will be subject to pre-qualification.]

PROJECT INFORMATION

Information regarding the project can be obtained from *[insert name, affiliation and contact information for the Agency]*. Draft plans and specifications are available from *[insert contact information]*. Draft plans and specifications are available on the agency website at *[insert the URL or delete this sentence if not applicable]*. **NOTE: The draft plans and specifications are informational only and shall not be used for bidding or estimating purposes.**

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are all required. Agency will use these documents as the basis of rating Contractors in respect to the size and scope of the Project. Agency reserves the right to check other sources available and to incorporate that information into Agency's final decision.

Agency reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes are sufficient to disqualify them will be notified and afforded an opportunity to submit mitigating information. The Agency's decision on such matters is final.

While it is the intent of the qualification questionnaire and documents required therewith to assist Agency in determining contractor responsibility prior to bid and to aid Agency in selecting the lowest responsive and responsible contractor, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude Agency from a post-bid consideration and determination of whether a pre-qualified contractor meets the State's standards for responsibility.

The statement of qualifications must be submitted under seal and marked "CONFIDENTIAL" to *[name and address]*. The names of contractors applying for pre-qualification are public records subject to disclosure after receipt and

opening of bids, and the first page of the questionnaire will be used for that purpose.

NOTICE: SUBMITTING CONFIDENTIAL INFORMATION — For every document Contractor submits in response to or with regard to this solicitation or request, Contractor must separately mark with the word "CONFIDENTIAL" every page, or portion thereof, that Contractor contend contains information that is exempt from public disclosure because it is either (a) a trade secret as defined in S.C. Code §30-4-40(a)(1), or (b) privileged and confidential, as that phrase is used in S.C. Code §11-35-410. For every document Contractor submits in response to or with regard to this solicitation or request, Contractor must separately mark with the words "TRADE SECRET" every page, or portion thereof, that Contractor contends contains a trade secret as that term is defined by S.C. Code §39-8-20 of the Trade Secrets Act. For every document Contractor submits in response to or with regard to this solicitation or request, Contractor must separately mark with the word "PROTECTED" every page, or portion thereof, that Contractor contends is protected by S.C. Code §11-35-1810. All markings must be conspicuous; use color, bold, underlining, or some other method in order to conspicuously distinguish the mark from the other text. Do not mark your entire response (bid, proposal, quote, etc.) as confidential, trade secret, or protected! If your response or any part thereof, is improperly marked as confidential or trade secret or protected, the State may, in its sole discretion, determine it non-responsive. If only portions of a page are subject to some protection, do not mark the entire page. By submitting a response to this solicitation or request, Contractor (1) agrees to the public disclosure of every page of every document regarding this solicitation or request that was submitted at any time prior to entering into a contract (including, but not limited to, documents contained in a response, documents submitted to clarify a response, and documents submitted during negotiations), unless the page is conspicuously marked "TRADE SECRET" or "CONFIDENTIAL" or "PROTECTED", (2) agrees that any information not marked, as required by these bidding instructions, as a "Trade Secret" is not a trade secret as defined by the Trade Secrets Act, and (3) agrees that, notwithstanding any claims or markings otherwise, any prices, commissions, discounts, or other financial figures used to determine the award, as well as the final contract amount, are subject to public disclosure. In determining whether to release documents, the State will detrimentally rely on Contractor's marking of documents, as required by these bidding instructions, as being either "Confidential" or "Trade Secret" or "PROTECTED". By submitting a response, Contractor agrees to defend, indemnify and hold harmless the State of South Carolina, its officers and employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Contractor marked as "confidential" or "trade secret" or "PROTECTED". Notwithstanding any markings to the contrary, by signing this document you

consent to the disclosure of the contents to those third parties that may be able to verify the item of information at issue.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify Agency and provide updated accurate information in writing, under penalty of perjury.

Contractors may submit statements of qualifications during regular working hours on any day that the offices of Agency are open. Contractors who submit a complete statement of qualifications will be notified of their qualification status no later than ten business days after close of receipt of the submittals.

Agency may refuse to grant pre-qualification where the requested information and materials are found to be false, or are not provided by [\[mm/dd/yy\]](#). *[date specified in first paragraph – at least 35 days before bid closing]* The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions or late submissions.

CONTRACTOR'S QUALIFICATION QUESTIONNAIRE

Contractors desiring to be pre-qualified must complete the Questionnaire completely. Contractors must respond to every question. If the pre-qualification process for a specific project includes the pre-qualification of subcontractors, then each subcontractor must submit a completed questionnaire.

A submission that is incomplete, unsigned, or does not contain the required supplemental material may result in disqualification of the contractor.

CONTACT INFORMATION—CONTRACTOR QUALIFICATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Joint Venture
 Sole Proprietor

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

South Carolina Contractor's License Number(s):

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

NOTE: Contractor will be immediately disqualified if the answer to any of the questions 1 through 5 is “No.”

NOTE: Contractor will be immediately disqualified if the answer to any of the questions 6, 7, 8 or 9 is “Yes.”

1. Contractor possesses a valid and current South Carolina Contractor’s license for the project or projects for which it intends to submit a bid.
 Yes No
2. Contractor has a general comprehensive liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
 Yes No
3. Contractor has current workers’ compensation insurance policy if and as required by the Workers Compensation Commission.
 Yes No
4. Contractor has attached the latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.
 Yes No

NOTE: A financial statement that is neither reviewed nor audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. Contractor has attached a notarized statement from an admitted surety insurer (approved by the South Carolina Department of Insurance) and authorized to issue bonds in the State of South Carolina, which states that your current bonding capacity is sufficient for the project for which pre-qualification is sought.
 Yes No

NOTE: Notarized statement must be from the surety company or its agent or broker. The notarized statement does not relieve the Contractor from its responsibility to comply with the bonding requirements of any solicitation that may be issued in the future.

6. Has your South Carolina contractor's license been revoked at any time in the last five years?
 Yes No
7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
 Yes No
8. At the time of submitting this qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract for the Federal Government or any South Carolina public agency?
 Yes No

If the answer is "Yes," state the beginning and ending dates of the period of debarment: _____

9. At any time during the last five years, has your firm or any of its owners, officers or qualifying parties been convicted of a crime involving the awarding of a contract of a Federal, State or local government construction project, or the bidding or performance of a Federal, State or local government contract?
 Yes No

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

Current Organization and Structure of the Business

For Firms That Are Corporations:

- 10a. Date incorporated: _____
- 10b. Under the laws of what state? _____
- 10c. Provide all the following information for each person who is either: (a) an officer of the corporation (e.g., pre-sident, vice pre-sident, secretary, treasurer); (b) the owner of at least five percent of the corporation's stock; or, (c) named as the "qualifying party" for the purposes of licensing.

Name	Position	Yrs with Co.	% Owned	Social Security #

- 10d. Identify every construction firm that any person listed above has been associated with (as owner, officer, general partner, limited partner or qualifying party) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of five percent or more of the business, or five percent or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Participation

For Firms That Are Partnerships:

- 10a. Date of formation: _____
- 10b. Under the laws of what state? _____
- 10c. Provide all the following information for each partner who owns five percent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- 10d. Identify every construction company that any partner has been associated with (as owner, officer, general partner, limited partner or qualifying party) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of five percent or more of the business, or five percent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Participation

For Firms That Are Sole Proprietorships:

- 10a. Date of commencement of business. _____
- 10b. Social security number of company owner. _____
- 10c. Identify every construction firm that the business owner has been associated with (as owner, officer, general partner, limited partner or qualifying party) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of five percent or more of the business, or five percent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Participation

For Firms That Intend to Make a Bid as Part of a Joint Venture:

- 10a. Date of commencement of joint venture. _____
- 10b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on this project:

Name of firm	% Ownership of Joint Venture

- 10c. Provide all information requested by Part II.A for each member of the Joint Venture

History of the Business and Organizational Performance

- 11. Has there been any change in ownership of the firm at any time during the last three years?
 Yes No

NOTE: A corporation whose shares are publicly traded and of which no single person or entity owns more than 5% may check “No.”

NOTE: If “Yes,” explain on a separate signed page.

12. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
 Yes No

NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, officer or qualifying party of your firm holds a similar position in another firm.

NOTE: If "Yes," explain on a separate signed page.

13. Are any corporate officers, partners, owners or qualifying parties connected to any other construction firms?
 Yes No

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

NOTE: If "Yes," explain on a separate signed page.

14. State your firm's gross revenues for each of the last three years:

15. How many years has your organization been in business in South Carolina as a contractor under your pre-sent business name and license number? _____
years

16. Is your firm currently the debtor in a bankruptcy case?
 Yes No

NOTE: If "Yes," attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

17. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)
 Yes No

NOTE: If "Yes," attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

18. List all South Carolina construction license numbers, classifications and expiration dates of the South Carolina contractor licenses held by your firm:

19. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the SCLLR records who meet(s) the experience and examination requirements for each license.

20. Has your firm changed names or license number in the past five years?
 Yes No

NOTE: If "Yes," explain on a separate signed page, including the reason for the change.

21. Has any owner, partner, qualifying party or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?
 Yes No

NOTE: If "Yes," explain on a separate signed page, including the reason for the change. Provide a complete, separate questionnaire for the other firm.

22. Has any SCLLR license held by your firm or its Qualifying Party been suspended within the last five years?
 Yes No

NOTE: If "Yes," please explain on a separate signed sheet.

Disputes

23. At any time in the last five years has your firm been assessed or paid liquidated damages on any public or private construction project?
 Yes No

NOTE: If "Yes," explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

NOTE FOR SUBCONTRACTORS: If liquidated damages were assessed by the General Contractor or Construction Manager explain on a separate signed page, identifying all such projects by owner, owner's address, the General Contractor or Construction Manager's name and address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

24. In the last five years has your firm, or any firm with which any of your firm's owners, officers, partners or qualifying parties were associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
 Yes No

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

NOTE: If "Yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

25. In the last five years has your firm been denied an award of a public works contract based on a finding by any public agency (Federal, state or local) that your firm was not a responsible contractor, i.e., not qualified?
 Yes No

NOTE: If "Yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$25,000.

26. In the past five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or other tribunal or otherwise submitted to another party for dispute resolution, such as binding arbitration?
 Yes No

NOTE: If “Yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court or venue in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

27. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or other tribunal or otherwise submitted the claim to another party for dispute resolution, such as binding arbitration?
 Yes No

NOTE: If “Yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court or venue in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

28. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?
 Yes No

NOTE: If “Yes,” explain on a separate signed page the name and telephone number of the surety, the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the pre-sent status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

29. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

NOTE: If “Yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

30. Has your firm or any of its owners, officers, partners or qualifying parties ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?
 Yes No

NOTE: If “Yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

31. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a crime involving any federal, state, or local law related to construction?
 Yes No

NOTE: If “Yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

32. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
 Yes No

NOTE: If “Yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Bonding

33. Bonding capacity: Provide documentation from your surety identifying the following:

Current Maximum and Available Bonding Capacity: \$ _____

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

34. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

35. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

36. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

NOTE: If “Yes,” provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

Compliance with Occupational Safety and Health Laws and with Other Labor Law

37. Has OSHA (Federal or any state OSHA) cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?
 Yes No

NOTE: If "Yes," attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

NOTE: If you have filed an appeal of a citation and a ruling on the appeal is pending, you need not include information about it.

38. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
 Yes No

NOTE: If "Yes," attach a separate signed page describing each citation.

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

39. Has the USEPA or any state or regional environmental agency cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor in the past five years?
 Yes No

NOTE: If "Yes," attach a separate signed page describing each citation.

NOTE: If you have filed an appeal of a citation and the results of the appeal are pending, you need not include information about the citation.

40. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

41. List your firm's Experience Modification Rate (EMR) for each of the past three premium years:

Current year: _____
Previous year: _____

Year prior to previous year: _____

NOTE: If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

42. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?
- Yes No

NOTE: If "Yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.

Wage Record

43. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with federal or state wage and hour laws other than the Federal Davis-Bacon Act?
- Yes No

NOTE: If "Yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the entity for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

NOTE: This question refers only to your own firm's violation of wage and hour laws, not to violations by a subcontractor.

44. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements?
- Yes No

NOTE: If "Yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

45. Does your firm operate or participate in a craft training program?

Yes No

NOTE: If “Yes,” attach a separate signed page or pages to: (a) Identify the craft or crafts in which your firm provided training in the past year; (b) state the year in which each program was conducted ; and (c) state the number of individuals who, during the past three years, completed training in each craft while employed by your firm.

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

46. Contractor shall provide information about its five most recently completed public works projects and its five largest **completed** private projects within the last five years.² Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____
Location: _____
Owner: _____
Owner Contact (name and current phone number): _____

Architect or Engineer: _____
Architect or Engineer Contact (name and current phone number): _____

Construction Manager (name and current phone number): _____

Description of Project, Scope of Work Performed: _____

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

PART IV. SPECIAL EXPERIENCE REQUIREMENTS

[Insert questions developed for and related to special experience requirements.]

Projects that are unique in nature may have specific experience requirements not otherwise addressed by the above questions. Therefore, the Agency may develop a list of questions specifically related to experience on similar construction projects. Before including these additional questions in the questionnaire, the Agency must obtain OSE’s approval.]

² If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

CONTRACTOR'S CERTIFICATION

I, the undersigned, certify and declare that I have read all the foregoing answers to this qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of South Carolina, that the foregoing is correct.

Dated: _____

By: _____
(Name)

Title: _____

PAST PERFORMANCE INTERVIEW QUESTIONS

The following questions will be used by the agency to initiate the interview of contacts from at least three randomly selected projects from those listed in the contractor's response to the Questionnaire. No action by the contractor is necessary. These questions are provided to the contractor for information only.

47. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
48. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
49. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
50. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
51. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
52. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
53. Was the project completed on time? (10 points if the answer is "Yes").
Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (Max. 10 points)
54. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
55. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points)
56. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)

57. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
58. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")
59. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

INSTRUCTIONS FOR PAST PERFORMANCE INTERVIEWS

These instructions are meant to assist the public agency in conducting the interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the contractor wishing to pre-qualify. The interview questions allow qualitative review of work performance for contractors who choose to bid and pre-qualify for public works contracts. The agency should use the interview questions to examine randomly selected contacts from at least three completed past projects.

- The agency should select an individual who, at a minimum, has a basic knowledge of public works construction. While conducting the interview, the interviewer should be consistently neutral in the way he/she presents the questions. If the interviewer changes the way he/she presents question during the review, it could potentially change the way the respondent answers the questions and jeopardize the overall scoring.
- The interviewer should not use examples or deviate from the questions unless the interviewee is unclear and requests further explanation. The interviewer should offer additional explanation of the questions only if sure of the intent of the question in the interview.
- The interviewer should attempt to first contact those listed as contacts by the contractor. The interviewer should be aware that for a complete interview regarding a single project he/she may need to interview multiple individuals. That is, the interviewer may have to contact multiple individuals, such as the project manager concerning the building process, and a financial manager for warranty items, assessed liens, and the like.
- Do not conduct group interviews. People respond differently when in groups than when in one-on-one interviews.

- Do not try to tape interviews, even with the permission of the interviewee. Take lengthy notes instead.
- The interviewer should make an appointment to conduct an interview, rather than telephoning potential contacts unannounced and catching them unprepared. If possible, send the interview questions to the interviewee ahead of time so that there is time to pre-prepare.
- The interviewer should review the information contained in the questionnaire regarding the past project with the person he/she is interviewing. That is, review who is being interviewed and why (purposes of pre-qualifying for public works), the past project type, completion date, and other pertinent information to ensure that the interviewee is sure of the project he/she is asked to review.
- Before proceeding with the questions, explain that you will ask the interviewee to rate the contractor's performance on a scale of 1 (lowest) to 10 (highest), and that it is important that the interviewee consider the full range in rating the contractor. Explain that the interviewee should base his/her response on the following scale:
 - If the contractor's past performance is **entirely favorable**, then the score should be 9 or 10;
 - If the contractor's past performance is **more favorable than unfavorable**, then the score should be 6, 7 or 8;
 - If the contractor's past performance is **neutral or no record**, then the score should be 5;
 - If the contractor's past performance is **more unfavorable than unfavorable**, then the score should be 3, 4 or 5;
 - If the contractor's past performance is **entirely unfavorable**, then the score should be 1 or 2.
- While the ultimate decision to deny pre-qualification is not subject to protest, public and contractor confidence in the integrity of the process demands the agency have a sound basis for its decisions. For that reason, be sure to: (a) ask the interviewee for specific information or details and to explain or substantiate the numerical answer given; and (b) take written notes of the information provided. These notes will assist the agency in responding to any requests for a debriefing.

THE SCORING PROCESS

The Scorable Questions

Scorable questions arise in each of the three parts of the questionnaire:

- Part I. History of the business and organizational performance;
- Part II. Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and,
- Part III. Completion of recent projects and quality of performance.

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers, and history. This document includes only those questions that are scorable. The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Part III interview questions (interviews by the public agency of project managers on projects completed recently by the contractor) are directed at collecting the information needed to evaluate depth and breadth of the contractor's experience with recently completed projects that are similar to the current project.

In evaluating a contractor's past performance the agency must recognize that "past performance" is a composite of three things: (1) observations of the historical facts of a company's work experience—what work it did, when and where it did the work, for whom it worked, and what methods were used; (2) qualitative judgments about the breadth, depth, and relevance of that experience based on those observations; and, (3) qualitative judgments about how well the company performed, also based on those observations. Past performance information includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs and schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior; and, more generally, the contractor's business-like concern for the interests of the customer.

The process of assessing the contractor's application for pre-qualification begins with item (1), the facts provided by the contractor on relevant past projects, followed by interviews with the principals of those projects so that the agency can understand the context and meaning of that factual information as it bears on the agency's judgment of the contractor's ability to perform in the future.

The Scores Needed for Pre-qualification

To pre-qualify, a contractor or subcontractor must have a passing grade for each of the three Parts of the Questionnaire referred to above.

For Part I, History of the Business and Organizational Performance, the minimum passing score is 75% of the available points.

For Part II, Compliance with Occupational Safety and Health Laws, Workers' Compensation and Other Labor Legislation, the minimum passing score is 70% of the available points.

For Part III, Completion of Recent Projects and Quality of Performance, the agency must evaluate the contractor's past performance by conducting interviews with the owners of three of the reference completed projects, selected at random.

- If each of the three interviews yields a past performance score of at least 75% of the possible points, the contractor has a passing score.
- If any of the three initial interview yields a past performance score of less than 60% of the available points, the agency may not prequalify the contractor.
- If any interview yields a past performance score of 60-74% of the possible points, the agency must conduct an additional interview with another reference. The score of that additional interview must be 75% or greater for the contractor to have a passing score.

[For Part IV, Special Experience Requirements (if any), (Agency, with OSE's oversight, must develop a minimum passing score of the available points or in the alternative a pass – fail standard for any questions developed to determine whether a contractor meets the special experience requirements)]

THE SCORABLE QUESTIONS and SCORING INSTRUCTIONS

Scoring of Questions about the History of the Business and Organizational Performance

15. How many years has your organization been in business in South Carolina as a contractor under your present business name and license number? _____ years

3 years or more = 2 points

4 years = 3 points

5 years = 4 points.

6 years or more = 5 points

16. Is your firm currently the debtor in a bankruptcy case?

Yes No

“No” = 3 points“ “Yes” = 0 points

17. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).

Yes No

No = 3 points Yes = 0 points

22. Has any SCLLR license held by your firm or its Qualifying Party been suspended within the last five years?

Yes No

No = 5 points Yes = 0 points

23. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?

Yes No

5 points = No more than 1 project with liquidated damages of more than \$50,000

3 points = No more than 2 projects with liquidated damages of more than \$50,000

0 points = Any other answer

24. In the last five years has your firm, or any firm with which any of your company's owners, officers partners or qualifying parties were associated, been debarred, disqualified, removed or otherwise pre-vented from bidding on, or completing, any government agency or public works project for any reason?

Yes No

No = 5 points Yes = 0 points

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

25. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency at any level of government that your company was not a responsible contractor?

Yes No

No = 5 points Yes = 0 points

26. In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or other tribunal or otherwise submitted to another party for dispute resolution, such as binding arbitration?

Yes No

- *If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1 such instance
3 points for "Yes" with 2 instances
0 points for "Yes" if more than 2 instances*

- *If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1, 2, or 3 instances
3 points for "Yes" with either 4 or 5 instances
0 points for "Yes" if more than 5 instances*

27. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or other tribunal or otherwise submitted the claim to another party for dispute resolution, such as binding arbitration?

Yes No

- *If your firm's average gross revenues for the last three years was less than \$50 million scoring is as follows:*

*5 points for either "No" or "Yes" with 1 instance
3 points for "Yes" with 2 instances
0 points for "Yes" if more than 2 instances*

- *If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1, 2, or 3 instances
3 points for "Yes" with either 4 or 5 instances
0 points for "Yes" if more than 5 instances*

28. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

Yes No

*5 points for either "No" or "Yes" with 1 claim
3 points for "Yes" with no more than 2 claims
Subtract five points for "Yes" if more than 2 claims*

29. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

Yes No

*5 points for either "No" or "Yes" with 1 instance
3 points for "Yes" with 2 instances
0 points for "Yes" or if more than 2 instances*

30. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

No = 5 points Yes = subtract 5 points

31. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

No = 5 points Yes = subtract 5 points

32. Has your firm or any of its owners, officers, partners or qualifying parties ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

No = 5 points Yes = subtract 5 points

34. If your firm was required to pay a pre-mium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

*5 points if the rate is no more than one per cent
3 points if the rate was no higher than 1.10 per cent.
0 points for any other answer.*

36. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

No = 5 points Yes = 0 points

Scoring of Questions about Compliance with Safety and Labor Laws

37. Has OSHA (Federal or any state OSHA) cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

Yes No

- *If the firm’s average gross revenues for the last three years was less than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1 instance
3 points for "Yes" with 2 instances
0 points for "Yes" if more than 2 instances*

- *If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1, 2, or 3 instances
3 points for "Yes" with either 4 or 5 instances
0 points for "Yes" if more than 5 such instances*

38. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Yes No

- *If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1 instance
3 points for "Yes" with 2 instances
0 points for "Yes" if more than 2 instances*

- *If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1, 2, or 3 instances
3 points for "Yes" with either 4 or 5 instances
0 points for "Yes" if more than 5 instances*

39. Has the USEPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

Yes No

- *If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:*

*5 points for either "No" or "Yes" with 1 instance
3 points for "Yes" with 2 instances
0 points for "Yes" or if more than 2 instances*

- *If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:*

5 points for either "No" or "Yes" with 1, 2, or 3 instances
3 points for "Yes" with either 4 or 5 instances
0 points for "Yes" if more than 5 instances

40. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

3 points for an answer of once each week or more often
0 points for any other answer

41. List your firm's Experience Modification Rate (EMR) for each of the past three premium years:

Current year: _____
Previous year: _____
Year prior to previous year: _____

5 points for three-year average EMR of .95 or less
3 points for three-year average of EMR of more than .95, but no more than 1.00
0 points for any other EMR

42. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

5 points for either "No" or "Yes" with 1 instance
0 points for any other answer

43. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with federal or state wage and hour laws other than the Federal Davis-Bacon Act?

Yes No

- *If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:*

5 points for either "No," or "Yes" with either 1 or 2 instances
3 points for "Yes" with 3 instances
0 points for "Yes" and more than 3 instances

- *If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:*

5 points for either "No" or "Yes" with no more than 4 instances

3 points for "Yes" with either 5 or 6 instances

0 points for "Yes" and more than 6 instances

44. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

Yes No

- *If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:*

5 points for either "No," or "Yes" with either 1 or 2 such instances

3 points for "Yes" with 3 such instances

0 points for "Yes" and more than 3 such instances

- *If your firm's average gross revenues for the last three years were more than \$50 million, scoring is as follows:*

5 points for either "No" or "Yes" with no more than 4 instances

3 points for "Yes" with either 5 or 6 instances

0 points for "Yes" and more than 6 instances

45. Does your firm operate or participate in a craft training program?

Yes No

5 points if one or more persons completed an approved apprenticeship while employed by your firm

0 points if no persons completed an approved apprenticeship while employed by your firm

Scoring of Questions about Past Performance

47. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
48. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
49. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
50. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
51. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
52. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
53. Was the project completed on time? (10 points if the answer is "Yes").
Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (Max. 10 points)
54. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
55. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points).
56. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
57. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)

58. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")

59. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? Max. 10 points)

The Scoring Matrix

Table 1	
Question	Score
15	
16	
17	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
34	
36	
Total Pts	
Poss. Pts.	76
Score %	

Table 3				
Question	Project 1	Project 2	Project 3	Project 4
47	< >	< >	< >	< >
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
Total Pts.				
Poss. Pts.	120			
Score %				

Table 2	
Question	Score
37	
38	
39	
40	
41	
42	
43	
44	
45	
Total Pts	
Poss. Pts.	43
Score %	

VI. SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

NOTE: The information provided by contractors seeking prequalification is provided by contractors under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. Agencies will and should generally accept information at face value. The following information is provided for use in those instances in which an agency reviewing the answers given in a questionnaire has reason to believe that one or more answers should be verified by reference to publicly available information.

Information about a contractor's license(s)

(Questionnaire Part I, question 6, and Part II, questions 6 and 9-13)

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors' Licensing Board of the SC Department of Labor, Licensing and Regulation.

Information about workers' compensation insurance

(Part I, question 3 and Part II, questions 32-33)

Every workers' compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor's Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor's workers' compensation insurance carrier.

Some companies are legally self-insured for workers' compensation, with the consent and authorization of the Worker's Compensation Commission. The names of companies that are legally self-insured are available from the Commission.

Information about whether surety companies are "admitted" to do business in South Carolina

(Part I, question 5)

The South Carolina Department of Insurance will verify whether a surety company is "admitted" to issue surety bonds within the State.

Information on disqualification from bidding on public contracts (Part I, question 8 and Part II, question 15)

Information on the identities of contractors that have been disqualified from bidding on State construction contracts is available from the Office of State Engineer. The Office also maintains records of Contractor Performance Reports filed by agencies.

Information available from the Secretary of State about corporations
(Part II, questions 1a-1d, 2-4)

The South Carolina Secretary of State has certain current and historical information about all corporations that operate in South Carolina: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

Information available from the Contractors' Licensing Board about partnerships and sole proprietorships
(Part I, questions 1a-1d,2-4)

Every business that operates under a general or mechanical contractor's license in South Carolina is required to identify the owners or partners of the firm as part of the license application process. The information is available to the public from the Contractors' Licensing Board upon request. A written request may be necessary.

Information about bankruptcy proceedings
(Part II, questions 7 and 8)

Bankruptcy petitions, which include the names of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In South Carolina, the Bankruptcy Court is located at 1100 Laurel Street, Columbia, SC 29201-2423 (803-765-5436) <http://www.scb.uscourts.gov/>. Most documents filed in court in bankruptcy proceedings are available for public inspection, at the Bankruptcy Court clerk's office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records. In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must

register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

Information about civil suits and arbitration cases

(Part II, questions 14, 17 and 18)

Each court keeps records of every civil suit filed in that court, and of the judgments that are issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the South Carolina Freedom of Information Act.

Information about criminal convictions

(Part I, question 9, and Part II, questions 21, 22, and 23)

Criminal convictions are a matter of public record. Each courthouse (in both the federal and state court systems) has an index of its own criminal records. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

Information about Federal court civil and criminal cases

(Part I, question 9)

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856) or you may register online at <http://pacer.psc.uscourts.gov/>.

Information about citations issued for violation of industrial safety and health laws

(Part II, questions 28 and 29)

Information about citations issued by both the federal Occupational Safety and Health Administration and the South Carolina Office OSHA Compliance (SC OSHA) are available on a web-site maintained by federal OSHA, <http://www.osha.gov>. At that web site, click on "Library." On the Library page, click on "Statistics and Inspection Data." Next, click on "Establishment Search." When the next screen appears, enter the name of the contractor about whom you seek information in the "Establishment" window and select appropriate values the remaining fields, then click the "Submit" button.

Information about wage and hour law violations
(Part II, question 34)

Information about recent wage and hour law violations is available from the SC Department of Labor, Licensing and Regulation.

Violations of air or water quality regulations
(Part II, question 30)

Information about citations issued by the South Carolina Department of Health and Environmental Control is available from that agency under the Freedom of Information Act.