

**PART E**  
**PRE-QUALIFICATION APPLICATION**

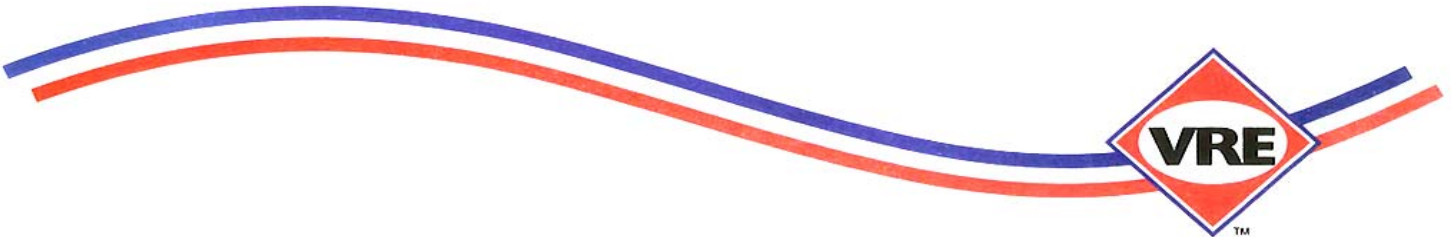
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**SECTION**

**TITLE**

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23	Application Instructions and Conditions
24	Denial of Pre-Qualification Application
25	Protests



## SECTION 23

### APPLICATION INSTRUCTIONS AND CONDITIONS

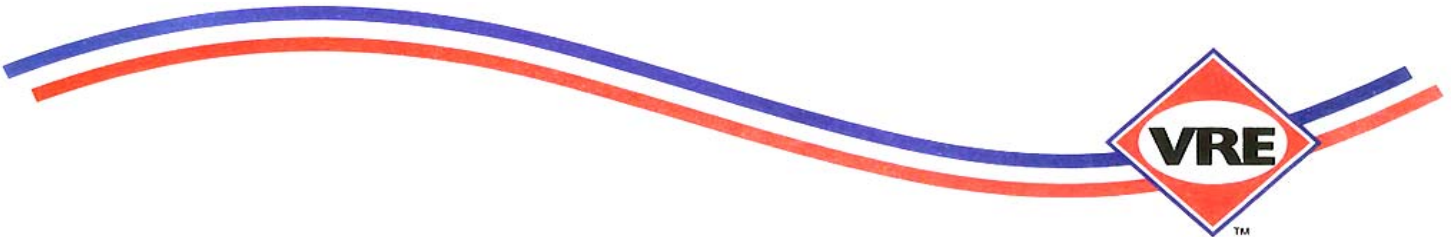
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#### 23.1 APPLICATION REQUIREMENTS

- A. Application forms included in **ATTACHMENT C - PRE-QUALIFICATION APPLICATION** must be typed. Questions that require written details, additional sheets must be attached to the Pre-Qualification Application. Information presented therein shall be clear, complete and concise. The question number must be identified with each explanation.
- B. Only firms that have been pre-qualified in accordance with the procedures set forth herein will be allowed to submit Proposals for this Project. Proposals received from those who have not been pre-qualified will not be considered.
- C. The decision to pre-qualify an Applicant shall not constitute a determination that the Applicant is responsible, and such Applicant may be subsequently rejected as non-responsible on the basis of subsequently discovered information.
- D. VRE shall not be responsible for any costs incurred by Applicants as a result of their participation in this procurement process. Each Applicant shall bear its own expenses in connection with such participation including the provision of any supplemental information which may be requested. VRE shall have no liability for costs incurred by Applicants in connection with the preparation and evaluation of pre-qualification materials and any findings and determinations made therefrom.
- E. All material submitted by the Applicant shall become the property of VRE and will not be returned. Applications will be treated as confidential documents.
- F. VRE reserves the right to extend the Application submission deadline should such action be deemed in the best interest of VRE by way of an addendum.



- G. Termination of the pre-qualification process can occur, and VRE reserves the right to do so when necessary. Applicants will be so notified in writing. If the process is terminated, no compensation will be made to any applicants regardless of the stage of completion of the process.
- H. The evaluation and shortlist process established by this RFQ is intended to enable Applicants to demonstrate their qualifications to perform the Project, and to enable VRE to evaluate those qualifications in arriving at a shortlist. Applicants are advised that the SOQ shall include specific information that will demonstrate the qualifications and experience required by this RFQ. The Applicant shall specifically address the information described in **PART B – CONTENTS OF STATEMENT OF QUALIFICATIONS** of this RFQ. Applicants shall note that it is not the intention of VRE to receive Project-specific design or engineering recommendations as part of this RFQ.
- I. Applicants are advised that VRE reserves the right to conduct an independent investigation of any information, prior experience, identified in an SOQ by contacting project references, accessing public information, contacting independent parties, or any other means. VRE further reserves the right to request additional information from an Applicant during the evaluation of the Applicant's SOQ.
- J. VRE will determine whether applicants are either "qualified" or "not qualified" to submit a proposal for this Project. Applications will be evaluated in accordance with the criteria listed in **SECTION 19 – EVALUATION CRITERIA AND WEIGHTING SCHEME**.
- K. An unsatisfactory rating in any one category may be considered sufficient cause to determine that an Applicant is "not qualified to offer". This decision shall be final and conclusive unless the Applicant protests in accordance with the Code of Virginia. See **SECTION 25 – PROTESTS**.
- L. In determining whether an Applicant should be pre-qualified, VRE, in its sole and absolute discretion, will decide whether the Applicant is capable of fully performing the contractual requirements for the Project, in all respects. The pre-qualification process is designed to determine the Applicant's performance capability as well as its business integrity and reliability.



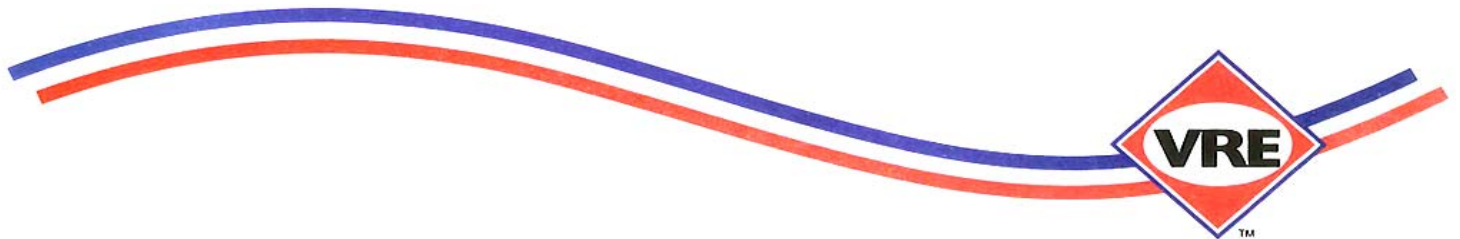
- M. By submitting an Application, the Applicant agrees that VRE and/or its representatives may research the information provided and contact entities associated with such information, at its discretion. Therefore, accurate contact information for experience stated is needed to facilitate communication and reference checks.
- N. Applicants must provide prompt notice to VRE if the Applicant experiences a substantial change in its financial condition, ownership, corporate structure or personnel after the Pre-Qualification Application and related information have been submitted and prior to completion of the procurement process.
- O. Failure to notify VRE of any substantial change in financial condition, corporate structure or personnel may constitute grounds for rescinding the Applicant's qualification to offer or result in rejection of their proposal.

### **23.2 NOTIFICATION OF SHORTLIST**

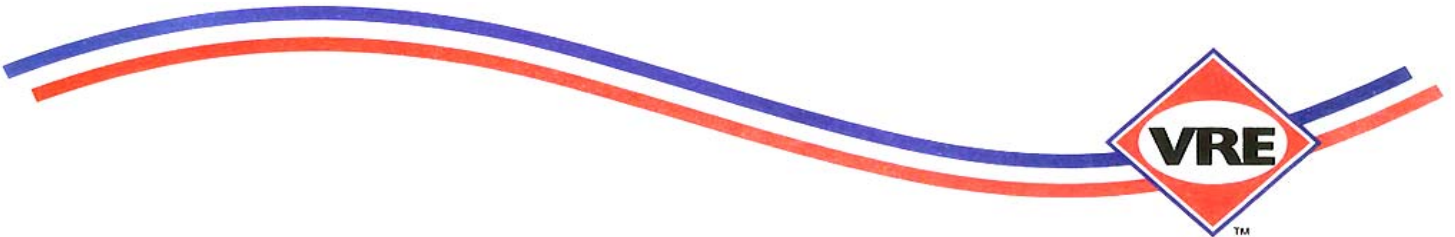
- A. Applicants will be notified in writing whether or not they have been determined to be a pre-qualified Contractor on the *date specified on Page 2* of this RFQ.
- B. A notification of the shortlist will be posted on the VRE website at [www.vre.org](http://www.vre.org). The successful Applicants will be notified in writing.

### **23.3 TRADE SECRETS OR PROPRIETARY INFORMATION**

- A. Trade secrets or proprietary information submitted by an Applicant in connection with a procurement transaction submitted pursuant to the Code of Virginia, subsection B of §2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).
- B. However, the Applicant shall:
  - 1. Invoke the protections of this section prior to or upon submission of the data or other materials;



2. Identify the data or other materials to be protected by clearly marking each individual page with “PROPRIETARY”; and
  3. State the reasons why protection is necessary.
- C. Except for the foregoing limitation, VRE may duplicate, use, and disclose in any matter and for any purpose whatsoever and have others do so, all data furnished in response to this RFQ. VRE has the right to release trade secret or proprietary information to a third party which may assist VRE in the review and evaluation of SOQs.



## SECTION 24

### DENIAL OF PRE-QUALIFICATION APPLICATION

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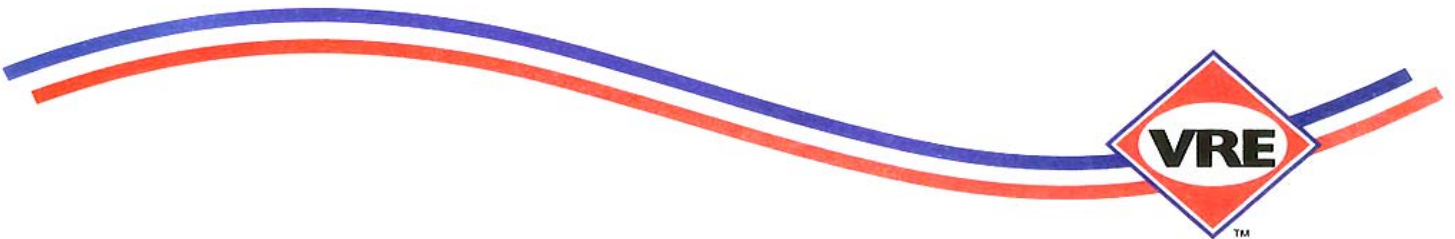
#### 24.1 GENERAL

VRE may deny pre-qualification to any Applicant if it finds any of the following (in addition to other criteria outlined in this Application):

- A. Pre-qualification submittals that fail to conform to the requirements of the Pre-qualification Application may be considered non-responsive and the Applicant determined to be "not qualified to offer a proposal".
- B. If any Applicant knowingly makes a misrepresentation in submitting information to VRE, such misrepresentation may be sufficient grounds for denying pre-qualification to that Applicant or rescinding the Applicant's pre-qualification. Any such misrepresentation may also result in debarment of the Applicant by VRE.
- C. The Applicant does not have sufficient financial ability, including bonding capacity, to perform the Contract.
- D. The Applicant does not meet minimum experience requirements.
- E. The Applicant does not have the appropriate staff or experience to perform the work.
- F. The Applicant (or any officer, director, or owner thereof) has had judgments entered against him/her within the past ten (10) years for breach of contract for governmental or non-governmental projects, including but not limited to, construction, design-build or construction management contracts.
- G. The Applicant has been in substantial non-compliance with the terms and conditions of prior construction contracts without good cause.



- H. The Applicant (or any officer, director, owner, project manager, procurement manager, or chief financial official thereof) has been convicted within the past ten (10) years of a crime related to construction or contracting.
- I. The Applicant (or any officer, director, owner thereof) is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency or another state, or agency of the Federal Government.
- J. The Applicant fails to provide any additional information requested by VRE within the time frames established in writing.



## SECTION 25

### PROTESTS

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#### 25.1 GENERAL

- A. Notice of protest of any decision to accept or disqualify an SOQ must be submitted to VRE no later than ten (10) calendar days of the public announcement of the shortlisted Offerors.
- B. Within ten (10) calendar days after receipt of the protest, the Chief Operating Officer of VRE will issue a written decision stating the reasons for the action taken. This decision is final. Further action by an Offeror may be taken by instituting action as provided by the Code of Virginia.

