

Guide to Construction Prequalification

These guidelines outline the minimum requirements of the Lucas County construction prequalification process.

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GUIDE TO CONSTRUCTION PREQUALIFICATION

These guidelines outline the minimum requirements of Lucas County's construction prequalification process. The County Administration reserves the right to expand upon and tailor these requirements or any of the processes outlined in these guidelines as appropriate to better reflect county policy requirements.

GENERAL DEFINITION OF PREQUALIFICATION

Bi-annual prequalification is part of a two-phased procurement process, which enables public awarding authorities to limit the "vendor or bidding pool" to potential bidders or offerors who have been deemed responsible, per county policy, to be awarded a contract and to perform any portion of work on county construction service work. Prequalification of potential bidders is a separate process from the bid evaluation procedure.

1. Bi-annual Prequalification Phase. A potential bidder or offeror submits a prequalification application that is reviewed by the Clerk of the Board or designee to determine if the company is responsible.
2. Bidding/Offering Phase. Per county policy, only potential bidders or offerors prequalified responsible may be awarded county construction service work. Only subcontractors prequalified responsible may subcontract or perform on county construction service work. No business entity prequalified not responsible may receive or perform county construction service work.

ENTITIES WHO MUST PREQUALIFY

The following entities must prequalify:

1. Potential bidders or offerors of construction work.

Pursuant to the Lucas County Responsible Contractor Policy, construction includes the following:

Construction, reconstruction, improvement, enlargement, alteration, demolition, repair, or maintenance of a building, highway, drainage system, water system, road, street, alley, sewer system, ditch, sewage disposal plant, water works, sanitary sewer pump stations, elevated tanks, and any other structure or construction work.

ORIGINS OF PREQUALIFICATION

The prequalification process is hereby established pursuant to the Lucas County Responsible Contractor Policy as adopted by the Board of Lucas County Commissioners.

GETTING PREQUALIFIED

Pursuant to the Lucas County Responsible Contractor Policy, a prequalification application shall apply to all construction work supported, in whole or in part, or under the County's authority, or where an appropriation has been made for the purpose of construction. The prequalification application shall be utilized to deem an applicant prequalified not responsible or prequalified responsible, whichever is applicable. All application questions must be answered and requested supporting documentation must be submitted with your prequalification application. In applying for prequalification the applicant is deemed to have accepted the terms and conditions of prequalification, which the applicant acknowledges and accepts, may be varied from time to time. Applicants meeting the required

thresholds and requisite criteria, to be deemed responsible, may submit a quote or bid to the County for any construction service work.

A business entity applying for prequalification for the first time should submit and have the prequalification application received by the Clerk of the Board or designee or their designee at least thirty (30) days before it wishes to receive county construction work, in order to allow for an evaluation of the submitted application. The thirty (30) days are calendar days, and submission means submittal via the online application portal or emailed to the Clerk of the Board or designee. You will receive confirmation of receipt of your application within two (2) business days of it being received. This confirmation will be sent via email to the contact person as listed in the application. The Clerk of the Board or designee will make a determination on prequalification within thirty (30) calendar days of receipt of a complete prequalification application.

Any omitted information may delay the processing time. It is the sole responsibility of the applicant to submit an accurate and complete application. Any change to the applicant's application must be received within seven (7) business days from the date that the initial application was received. No further change to the application will be permitted after this seven (7) day period. If no changes are made to the application within this period, the application will be evaluated and scored as submitted.

In submitting its application, the potential offeror, bidder, or licensed construction trade subcontractor gives permission to the Clerk of the Board or designee to carry out such investigations as are considered necessary to evaluate the application and to determine whether relevant prequalification criteria have been met. Prequalification is not to be construed as a guarantee of work.

Prequalification must be applied for bi-annually by submitting a new prequalification application.

Prequalification applications are accepted throughout the year. Returning applicants should refer to their prequalified certificate, the list of prequalified business entities, or contact the Clerk of the Board or designee regarding when to re-apply.

CHANGE OF CIRCUMSTANCES

Circumstances can change between prequalification and award of construction work. Construction work will be awarded only to offerors/bidders who remain prequalified. Any entity that has been prequalified responsible must notify the County of any material change affecting their status within seven (7) business days of the change, by written notice of the Clerk of the Board or designee.

PREQUALIFICATION STATUS

Prequalified Responsible - (140-106 points)

An entity that meets the criteria established in the Lucas County Responsible Contractor Policy and receives a score to be deemed prequalified responsible, will be approved to submit an offer, quote, or bid, for construction projects with the County and eligible to be awarded a contract or subcontract for such construction projects.

If the Clerk of the Board or designee determines that the applicant has satisfied the requisite criteria for prequalification and has obtained the minimum qualifying score necessary to be deemed prequalified responsible, a certificate, status determination letter and scoring matrix will be issued to the applicant. Such designation shall be effective for twenty-four (24) consecutive months immediately following the date of that status determination. Unless a business entity is otherwise notified by the

County, it will be permitted to submit bids or perform new work until the expiration date, at which time the entity must renew its prequalification as outlined herein.

Prequalified Not Responsible - (105-0 points)

An entity that has not received a score to be deemed prequalified responsible is not approved to submit an offer, quote, or bid, or to be eligible to be awarded a contract or subcontract for construction projects with the County and is prohibited from performing construction, as defined in the Lucas County Responsible Contractor Policy, with the County.

If the Clerk of the Board or designee finds that the applicant has failed to obtain the minimum qualifying score and has not met the requisite criteria needed to be deemed prequalified responsible, the applicant is deemed prequalified not responsible and a status determination letter and scoring matrix, will be issued to the applicant.

If a potential offeror, bidder, contractor, or subcontractor is deemed not responsible, they may not receive contracts for county construction projects or perform any portion of work on any construction project until they are determined to be prequalified responsible by the Clerk of the Board or designee. The provisions of this paragraph shall not affect eligibility to continue a current contract or subcontract for county construction projects awarded prior to the effective date of the Lucas County Responsible Contractor Policy.

EVALUATION AND CRITERIA

A prequalification application shall be utilized to deem an applicant prequalified not responsible or prequalified responsible, whichever is applicable. The prequalification process will be based on a review that scores the application by the applicant and determination of requisite criteria being met. The Clerk of the Board or designee will use the responses and supporting documentation contained in the application submittal as a basis for its determination of whether a perspective applicant meets the prequalification criteria but also reserves the right to rely on other sources of information to verify and obtain information.

The following scoring method shall be applied to Category A of the prequalification application and will be used to make prequalification determinations. Applicants must meet all criteria in category A. If all criteria in Category A are not met, that applicant must be deemed prequalified not responsible.

Criteria	Category A <i>No business entity may be deemed prequalified responsible unless it affirmatively meets <u>all</u> of the following mandatory criteria.</i> <i>See Lucas County Responsible Contractor Policy (“Lucas County Policy”) for definitions of criteria.</i>
	Prequalification Factors
1	HEALTH INSURANCE PLAN. Has a health insurance plan as defined in Lucas County Responsible Contractor Policy, Section III(m).
2	RETIREMENT POLICY. Has a retirement or pension plan as defined in Lucas County Responsible Contractor Policy, Section III(z).
3	TRAINING. Employees meet the quality training criteria as defined in Lucas County Responsible Contractor Policy, Section III(v).

4	WORKER'S COMPENSATION. Has a current and valid worker's compensation insurance policy or is legally self-insured.
5	UNEMPLOYMENT. Has a current and valid unemployment compensation insurance policy.
6	FINANCIAL STATEMENT. Has signed an affidavit agreeing to make the business entity's financial statement for the most recently completed fiscal year available to the county for viewing upon request and supporting documents for this.
7	DEBARMENT. Is currently compliant and not debarred or otherwise disqualified from bidding on or completing work on any government agency or public works project.
8	BOARD LICENSE. Maintains any licensure(s), issued by the Ohio Construction Industry Licensing Board, State Fire Marshall, and/or other State and local entities.
9	STATE/LOCAL LICENSE. Employees possess licensure(s) required by any state or local laws.
10	LIABILITY INSURANCE. Maintains liability insurance

*See Lucas County Responsible Contractor Policy for full criteria descriptions.

After determining whether an applicant has met the mandatory criteria in Category A, the criteria in Category B will be used to further evaluate the application.

Category B <i>The following criteria shall be used to further determine responsibility prequalification.</i>		
Points	Criteria	Prequalification Factors
		5 or 10 points as noted
5	11	WORKFORCE. Has a local workforce as defined in Lucas County Responsible Contractor Policy, Section III(p).
5	12	BUSINESS. Is a local business as defined in Lucas County Responsible Contractor Policy, Section III(o).
5	13	CRIMINAL CONVICTION. Has not received an unsatisfactory judgment, as defined in Section III, in which a conviction was imposed for any crime related to its business conduct within the last ten (10) years.

5	14	CIVIL LIABILITY. Has not received an unsatisfactory judgment, as defined in Section III, in which civil liability was imposed concerning the applicant's bid for and/or work on any public or private construction project within the last five (5) years.
10	15	COUNTY LITIGATION. Does not have a history of breach of contract, or inferior or substandard performance on projects that resulted in litigation being initiated by the county within the last five (5) years.
5	16	BONDS. Has no record of claims against bonds secured on any public construction project within the last five (5) years.
5	17	LIQUIDATED DAMAGES. Has not been assessed or paid liquidated damages for any construction project with either a public or private owner within the last five (5) years.
5	18	JUDGEMENTS/REGULATIONS. Has no record of unsatisfactory judgments, as defined in Section III, regarding claims for violations of any applicable federal, state and local laws and regulations prohibiting discrimination within the last five (5) years.
10	19	OSHA. Provides an adequate description of the applicant's Occupational Safety and Health Administration compliant safety program.
5	20	OSHA LOG. Has an OSHA 300 log under OSHA-29 CFR 1904.
0/5/10	21	OSHA PENALTIES. Has no assessed penalties by OSHA. Points assessed as follows: 0-1 incident or violation = 10 pts; 2-3 incidents or violations = 5 pts; 4 or more incidents or violations = 0 pts
0/5/10	22	OSHA VIOLATIONS. Has no record of "willful" or "serious" Occupational Health and Safety Administration (OSHA) violations. Points assessed as follows: 0-1 incident or violation = 10 pts; 2-3 incidents or violations = 5 pts; 4 or more incidents or violations = 0 pts
0/5/10	23	WAGE & HOUR VIOLATIONS. Has no record of unsatisfactory judgements, as defined in Section III, relating to the violation of federal, state, or local wage and hour laws or regulations or settlement agreement between it and the Department of Labor or other federal, state, or local agency within the last five (5) years. (Includes federal and state prevailing wage, living wage, worker classifications/1099 violations) Points assessed as follows: 0-1 incident or violation = 10 pts; 2-3 incidents or violations = 5 pts; 4 or more incidents or violations = 0 pts
0/5/10	24	EPA VIOLATIONS. Has no Environmental Protection Agency, state or federal, violations within the last five (5) years. Points assessed as follows: 0-1 incident or violation = 10 pts; 2-3 incidents or violations = 5 pts; 4 or more incidents or violations = 0 pts

5	25	DRUG FREE POLICY. Demonstrates the existence of an active and compliant Ohio Drug Free Workplace policy issued by the State of Ohio.
0/5/10	26	DRUG FREE WORKPLACE. Has no record of unsatisfactory judgments, as defined in Section III, with Ohio's Drug-Free Workplace requirements, pursuant to Ohio Revised Code Section 153.03 or a successor to that section, within the last five (5) years. Points assessed as follows: 0-1 incident or violation = 10 pts; 2-3 incidents or violations = 5 pts; 4 or more incidents or violations = 0 pts
5	27	CERTIFICATE. Provides a Certificate of Good Standing from the Ohio Secretary of State demonstrating its right to conduct business in the state of Ohio and/or any applicable local authorities
5	28	RELEVANT EXPERIENCE. Demonstrates relevant experience in business under its present and any former business names.
5	29	PAST PROJECTS. Provided a complete listing of all ongoing and completed public and private construction projects of the applicant in the last three (3) years, including the nature and value of each contract and the name, address, and phone number/email for a representative of the owner of the projects.
5	30	MANAGEMENT. Demonstrates management experience of the applicant's project manager(s) and superintendent(s).
5	31	WORKERS' COMPENSATION. Has an average Bureau of Workers' Compensation (BWC) Experience Modification Rating (EMR) of 1.5 or less.

See Lucas County Responsible Contractor Policy for full criteria descriptions.

Further, the following qualifying scores overall (Category B), will also determine an applicant's prequalification status:

STATUS	QUALIFYING SCORE
Prequalified Responsible	140-106
Prequalified Not Responsible	105-0

NOTIFICATION OF STATUS DETERMINATION

Applicants will be notified in writing regarding which prequalification status they have achieved within thirty (30) calendar days or less of receipt of a complete application, provided that all information has been received timely. However, if significant issues arise during consideration of an application, further information may be sought. Notification of a status determination will be sent via email to the contact person as listed in the application. Applicants that are deemed not responsible will need to seek a change in status (see below) in order to be deemed responsible. Applicants that are not satisfied with the outcome of the prequalification assessment and believe that the determination was reached in error may lodge a request for an appeal, as detailed in these guidelines.

CHANGE IN STATUS

Upon receiving an original status determination of not responsible, an applicant has two options.

Option 1 – Fix the Deficiency (Change in Status)

The applicant may try to correct the issues that led to the Not Responsible determination. To do this, they may submit **additional supporting documents** that address the criteria they did not meet.

Requirements:

- All supporting documents must be submitted **together in one packet**.
- The packet must include a **memo on company letterhead**, signed by an authorized officer, that:

- Lists all documents being submitted, and
- States which prequalification criteria each document is intended to support.

Once the Clerk of the Board (or designee) receives the complete packet, a new status determination will be made within **3 business days**, and the applicant will be notified in writing.

An applicant may receive **no more than two (2)** revised status determinations in any **12-month period** following the original decision.

If, after two attempts in that 12-month period, the applicant still does not meet the criteria to become Responsible, they must wait until their status **expires at 24 months** to submit a **new application**.

Option 2 – Appeal the Decision

Instead of submitting additional documentation, the applicant may choose to **appeal** the Not Responsible determination through the County's appeal process (Level I and Level II). This appeal follows the timelines and procedures outlined in the appeals section of the policy.

Important Note

If an applicant remains Not Responsible for **12 consecutive months** after the original determination, they may **not** receive new County construction work or perform work on new County construction projects until they either:

- Successfully obtain a change in status to **Responsible**, or
- Submit a new application after the 24-month expiration and are then determined to be **Responsible**.

APPEALS

After the prequalification review and evaluation process are complete, if an applicant is denied prequalification and believes that the status determination was made in error, it has a right to a prompt appeal. The appeals process begins when the applicant formally notifies the Clerk of the Board or designee, in writing, that it wants to appeal its prequalification status. There is no appeal for an incomplete application. The Clerk of the Board or designee shall not consider any untimely notice of appeal since any notice of appeal not received within the time limits specified in these procedures is null and void.

An applicant has two (2) levels of appeal after a prequalification status is rendered. All appeals requests must be in writing and received within ten (10) business days of receipt of the prequalification status determination by the Clerk of the Board or designee. These two (2) levels of appeals include:

LEVEL I: APPEAL OF INITIAL DETERMINATION

An applicant may appeal to the County Administrator or designee, in writing, the determination regarding the applicant's responsibility prequalification. After reasonable notice to the business entity involved and reasonable opportunity for that business entity to be heard, the County Administrator or designee shall make a determination regarding the appeal. The County Administrator or designee shall issue a written decision and shall send a copy of the decision to the business entity involved. The decision shall state the reasons for the action taken.

There will be no advancement to Level II without an applicant submitting an appeal at Level I.

LEVEL II: APPEAL OF FINAL DETERMINATION

If an appeal at Level I does not produce a satisfactory result, within ten (10) days an individual or entity may appeal in writing, on a form determined by the county, a determination denied by the County Administrator or designee to the Board of Lucas County Commissioners. A failure to exercise this right to appeal shall constitute a waiver of such right. Notification of the opportunity to be heard by the Board of Lucas County Commissioners shall be given at least ten (10) days prior to the hearing. The Board of Lucas County Commissioners shall determine whether there are sufficient grounds to uphold the determination of the County Administrator or designee. The failure of an individual or entity to appear at a prequalification hearing after notice constitutes a waiver of that person's right to contest the prequalification decision. If the Board of Lucas County Commissioners determines that the person waived the right to contest the County Administrator or designee's decision under this division, the County Administrator or designee's decision shall become final.

CONTENTS OF APPEAL

All appeals must include the following:

- The name and address of the applicant;
- The level of appeal requested;
- A detailed statement of the legal and/or factual grounds for each material issue identified in the appeal;
- All factual and legal documentation in sufficient detail to establish the merits of the appeal; and
- A signature from a properly authorized representative of the company.

The county will not be obligated to postpone a bid due date or prequalification announcement in order to allow an applicant an opportunity to correct a deficient appeal or to obtain a prequalified responsible certificate after a deficient appeal unless otherwise required by law or regulation.

EXPIRATION OF PREQUALIFICATION STATUS AND BI-ANNUAL PREQUALIFICATION

Responsible contractor prequalification shall be conducted on a bi-annual basis. Each prequalification status shall remain valid for a period of twenty-four (24) consecutive months from the date of the initial status determination. Upon expiration of a term, a new prequalification application shall be required to maintain eligibility for County construction services work.

An applicant holding an active prequalification status may submit a renewal application not more than thirty-five (35) calendar days, and not fewer than thirty (30) calendar days, prior to the expiration date of the current status. Renewal applications received within this window shall be processed to ensure continuity of eligibility. If the expiration date falls on a weekend or legal holiday, the following business

day shall constitute the renewal deadline.

If a renewal application is not received within the period prescribed above, or if an applicant is not deemed prequalified responsible thirty (30) calendar days prior to the expiration of the current term, the applicant shall be required to wait until after the expiration date of the current status to submit a new application. Renewal dates shall remain fixed and shall be determined by the original status determination date.

The County may accept prequalification applications at any time. An applicant whose prequalification status has expired may submit a new application immediately following the expiration date.

An applicant that submits a renewal application prior to expiration but is determined not responsible shall be removed from the County's list of prequalified contractors as of the date of such determination. The applicant shall remain ineligible to bid or perform new County construction work until a favorable change in status has been granted in accordance with the procedures set forth in this guide and Lucas County policy.

RIGHT TO REVOKE PREQUALIFICATION

The County Administrator or designee may, for good cause shown and in consultation with the County Prosecutor, revoke any entity's prequalification as responsible. Such revocation may not exceed three (3) years. The County Administrator or designee shall issue a written decision and shall send a copy of the decision to the business entity involved. The decision shall state the reasons for the action taken. The decision of the County Administrator or designee shall be final absent an appeal.

Within ten (10) days an individual or entity may appeal in writing on a form determined by the County, a revocation exercised by the County Administrator or designee to the Board of Lucas County Commissioners. A failure to exercise this right to appeal shall constitute a waiver of such right. Notification of the opportunity to be heard by the Board of Lucas County Commissioners shall be given at least ten (10) days prior to the hearing. The Board of Lucas County Commissioners shall determine by a preponderance of the evidence whether there are sufficient grounds to uphold the determination of the director and the length of time of the revocation. Based on the evidence presented by all parties, the Board of Lucas County Commissioners may increase, decrease, or accept the County Administrator or designee's recommendation regarding the length of revocation. The Board of Lucas County Commissioners' decision on revocation shall be in writing. The failure of an individual or entity to appear at a revocation hearing after notice may constitute a waiver of that person's right to contest the County Administrator or designee's decision on prequalification. If the Board of Lucas County Commissioners determines that the person has waived the right to contest the County Administrator or designee's decision under this division, the County Administrator or designee's decision shall become final.

SUBMITTALS INSTRUCTIONS

ELECTRONIC SUBMITTAL

Applications may be submitted electronically via the online application portal or email. Renewal applications are to be received by the Clerk of the Board or designee by 11:59 pm on the submittal deadline due date. If the submittal date occurs on a weekend or holiday the submittal date will be moved to the next business day.

[Online portal application here](#)

Electronic application submissions are to be emailed to:

responsiblecontractor@co.lucas.oh.us

Subject: Prequalification Application

MAIL / IN PERSON SUBMITTAL

Applications may be submitted via mail or dropped off in person at:

Board of Lucas County Commissioners
Attn: Michael K. Hart
1 Government Center, Suite 800
Toledo, OH 43604

FORMAT

Applications shall be submitted as a compressed, PDF document. The document should be printable.

INCLUSION

Along with the appropriate application, emails should not contain a signature or firm logo that appears to be an attachment. The application and documents should not be sent as a zip file. If an email is submitted without an attachment, the Clerk of the Board or designee will attempt to inform the applicant, but the office assumes no responsibility or liability in the event it fails to do so. It is the applicant's responsibility to ensure that an attachment containing the application is included with the email sent to the Clerk of the Board or designee. It is also the applicant's responsibility to ensure that the most recent application is attached.

NOTIFICATION OF RECEIPT

Those applicants who wish to submit applications via email will receive confirmation of receipt from the Clerk of the Board or designee via email.

OFFICIAL RECEIPT

The date/time stamp of the County's email system or online portal constitutes the official date/time of receipt of applications and those applications received outside of the specified deadline will not be considered for prequalification. The applicant is solely responsible for ensuring that their application has been successfully transmitted and received by the Clerk of the Board or designee before the submittal deadline. If the application is date/time stamped outside of the due date/time, the application shall not be accepted. If this occurs, the Clerk of the Board or designee shall notify the applicant via email, that their application cannot be accepted.