

**COBB COUNTY WATER SYSTEM
APPLICATION FOR PREQUALIFICATION
FOR WATER AND SEWER LINE CONSTRUCTION**

Instructions

A. General

Bids are accepted by the Cobb County Water System (CCWS) for most water and sewer line installation projects only from contractors who have been prequalified for such work by the CCWS. Contractors who desire to be considered for inclusion on the CCWS List of Prequalified Contractors must complete and submit an Application for Prequalification. This application process must be followed even if the firm has been previously prequalified by the CCWS for a specific project, such as a pump station or treatment plant project.

All information submitted for the prequalification process shall become the property of the Cobb County Water System. To the extent allowed by law, financial information will be considered confidential by the Cobb County Water System. The CCWS reserves the right, but does not have the obligation, to request the submittal of additional information.

The Applicant is advised that applications are reviewed by the CCWS upon receipt; however, additions to the List of Prequalified Contractors are made by the Cobb County Board of Commissioners only on a quarterly basis. In addition, contractors must be prequalified before the first advertisement of a particular project to be eligible to submit a bid on that project.

The prequalification status of all contractors will be re-evaluated on a biennial basis. All contractors will be required to submit a new application at that time; however, prequalified firms must submit revised information to the CCWS at any time any of the following changes occur.

1. Acquisition of contractor or name change;
2. Change in financial status that could adversely affect the ability of the contractor to perform the work;
3. Changes that adversely affect the Contractor's ability to obtain Bonds and/or insurance required to perform work;
4. Material changes in staffing, experience, or equipment;
5. Any other changes that could alter the Contractor's prequalification standing with the CCWS.

B. Completeness

Prequalification Application packages which have not been completed properly or do not include the necessary attachments will be returned to the Applicant without a complete review. The enclosed Applicant's Checklist is intended to serve as a reminder of the required information to be included in the submittal. This checklist form must be included with the application.

The Prequalification Application packages must be organized in five sections, each section delimited by tabbed dividers. The information to be included in each section is identified in the Applicant's Checklist.

C. Submittal

The information requested must be submitted on the forms provided within the Contractor's Qualification Statement and must be organized as indicated on the Applicant's Checklist. Any additional pages attached to the form must include the Applicant's name and cross references to item numbers on the application form. The Contractor's Qualification Statement shall be filled out in full by typing or legible hand lettering in ink. All pages may be copied as needed. An original and one copy of the Application and required attachments must be submitted to:

Mr. Ü@ÅY ä ä, P.E.
Engineering & Records Division
Cobb County Water System
Customer Services Building
660 South Cobb Drive
Marietta, GA 30060-3105

D. Criteria for Qualification

In determining the Applicant's qualifications, the following factors will be considered: company experience, individual staff experience and qualifications, references on completed projects, financial stability (including bonding capacity and insurance coverage), and safety record. Contractors must be licensed as a Utility Contractor by the State of Georgia to perform work for the Cobb County Water System.

The Applicant's experience will be evaluated to determine similarity to Cobb County Water System projects and to the conditions and situations typically encountered in our projects. Preference in the evaluation of experience is given to work performed by the Applicant as the prime contractor under direct contract with a municipal utility (i.e., city, county, or authority). Utility-related work performed in the private sector (i.e., shopping centers, apartments, subdivisions, schools, etc.) will be considered as comparable experience only to the extent that it includes the "Similar Project" components listed in the Application form. Note that all projects listed as similar experience must have been performed under the Applicant's current company name.

The submittal of Letters of Reference from owners and engineers regarding the Applicant's performance on previous projects is desired and encouraged; however, the project experience forms must be completed and included with the application.

Applicants will be evaluated for prequalification for both water main and sewer line construction, unless the Applicant indicates a desire for consideration for only one category. If the CCWS adjudges the Applicant does not qualify for one of the categories, the prequalification may be restricted to "Water Projects Only" or "Sewer Projects Only".

E. Financial Information

Applicants are required to submit financial information to enable the CCWS to adjudge the firm's financial stability. The financial information required for the prequalification review process may be submitted in one of the following two formats:

1. Copies of financial statements included as an attachment to the Application for Prequalification.
2. Submittal of the attached Financial Information Form, completed by an independent certified public accountant, using data extracted from the Applicant's financial statements.

All financial statements will be returned to the Applicant or will be destroyed upon completion of the review of the submitted information. If the Applicant desires for the statements to be returned, a self-addressed, stamped envelope or a delivery service account number for return shipment must be included with the application.

Note that whether submitting copies of financial statements or information extracted from these statements, the statements must be audited or reviewed. Compiled or self-prepared financial statements are not acceptable for the CCWS prequalification review process.

F. Bonds and Insurance

The CCWS requires performance and payment bonds in the full amount of the bid on each project, in addition to appropriate insurance coverage for the Contractor. A copy of the Insurance Requirements for Contractors for Cobb County is attached. The CCWS will require current certificates of insurance indicating full coverage prior to executing contracts.

G. Policy

A copy of the Cobb County's Policy on Pre-Qualification of Contractors is attached. Additional information regarding the prequalification process is contained therein.

H. Georgia Security & Immigration Compliance Act

Applicants are advised that all Contractors performing work for Cobb County must comply with the requirements of O.C.G.A. Sec. 13-10-91 (the "Georgia Security & Immigration Compliance Act") and Rule 300-10-1-.02 of the Rules of the Georgia Department of Labor. The procedures and requirements of the Cobb County Government related to the Georgia Security & Immigration Compliance Act, along with the affidavits and a compliance certification form are included in the bid documents of all Cobb County Water System projects. Completed affidavits and forms are to be submitted with the bid on a project or at the time of contract execution for an awarded project, as indicated in the specific bid documents. Bids submitted without the required affidavits will be considered non-responsive and will be disqualified from further consideration.

I. Disadvantaged Business Enterprises (DBE) Participation

Cobb County Government encourages the participation of all businesses in offering their services and/or products. The Cobb County Government has the goal to fairly and competitively procure the best product at the most reasonable cost.

While the Cobb County Government does not administer a Disadvantaged Business Enterprise (DBE) certification program, the County does desire to identify DBE participation in our contracts and to quantify that participation. The Contract Documents

of Cobb County Water System projects will include information regarding the identification of the DBE status of contractors and/or subcontractors, along with forms to be used for periodic reporting of the level of participation during construction of the project.

J. Other

The prequalification of a Contractor will not deprive the Cobb County Water System of the right to reject any bid, where other circumstances and developments have, in the opinion of the County, changed the qualification or responsibility of the Contractor.

The prequalification of a Contractor through this process shall not be construed as approval for that Contractor to bid on any Cobb County Water System project; rather, only on those projects so indicated in the project's Advertisement for Bids. Depending on the nature and/or complexity of a particular project, a separate prequalification process may be necessary.

This form, its completion by the Applicant, and its use by the CCWS, shall not give rise to any liability on the part of Cobb County to the Applicant or any third party or person. This is not a solicitation for bid. No guarantees are made or implied that a project will be constructed, either in part or whole. The Applicant accepts all risks and cost associated with the completion of the prequalification package without financial guarantee.

K. Attachments

1. Contractor's Qualification Statement Forms.
2. Insurance Requirements for Contractors.
3. Cobb County Policy on Pre-Qualification of Contractors.

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ATTACHMENT NO. 1

**COBB COUNTY WATER SYSTEM
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Contractor's Qualification Statement

1. Name of Contractor: _____
(AS REGISTERED WITH THE SECRETARY OF STATE)
2. Contact Information:
 - a. Mailing Address: _____

 - b. Business Address: _____

 - c. Telephone number: (____) _____
 - d. Fax number: (____) _____
 - e. Primary Contact Person:
Name: _____
Email Address: _____
3. Licensing Information:
 - a. State of Georgia Utility Contractor License Number: _____
 - b. Business License Number: _____ County of Issue: _____
4. Type of Organization (check appropriate block):
 Corporation Partnership Sole Proprietorship
 - a. If corporation, indicate:
State of incorporation: _____ Date: _____
 - b. If partnership, indicate date of organization: _____
 - c. If sole proprietorship, indicate number of years in continuous business: _____
 - d. List names of officers or partners and their length of time with the firm.

_____ years

_____ years

_____ years

5. How many persons does your company permanently employ? _____
6. How many years of experience in the proposed type and size of construction work has your organization had as a general contractor? _____

7. List all names previously used by your firm:

8. List all companies, firms, or organizations that own any part of your organization:

9. Is your firm currently prequalified with other municipalities or public utilities?

Yes: _____ No: _____

If yes, list names of municipalities or public utilities:

10. Provide a summary of the background and experience of the members of your organization who perform key functions on construction projects. The summary must include the individual's name, position and number of years with the firm, details regarding work experience with project names and dates, information about education, specialized training and/or certifications, and other pertinent information. At a minimum, the following positions on your project team shall be identified in this submittal.

Office Management
 Project Manager
 Safety Manager
 Certified Utility Manager

Jobsite Management
 Project Superintendent
 Safety Representative
 Erosion Control Specialist

➔ *Attach personnel summaries that include experience for at least five years, with emphasis on projects completed in the last two years.*

11. Submit an audited or reviewed financial statement for each of the past three years, including the most recent fiscal year activity. The statements must be prepared by an independent, licensed certified public accountant. Financial statements must include balance sheets, income statements, and a statement of retained earnings, supporting schedules, and notes. All copies of financial statements will be returned to the Applicant following completion of the prequalification review process or will be destroyed as indicated below.

Indicate desired disposition of copies of financial statements:

- Return to Applicant Destroy

As an alternate to the submittal of Financial Statements, submit a completed Financial Information Form prepared by an independent, licensed certified public accountant. The Form

must include information for each of the past three years, including the most recent fiscal year activity.

- ➔ *Submit Financial Statements for the last three years, including the most recent fiscal year.*
- ➔ *As an alternate, submit a completed and certified Financial Information Form.*
- ➔ *Include SASE or delivery service account number for return shipment of financial statements, if return is desired.*

12. What is your approximate bonding capacity?

- a. Single Project Capacity: \$ _____
- b. Total Aggregate Capacity: \$ _____
- c. Remaining Capacity: \$ _____

- ➔ *Provide a dated letter from your surety company agent that certifies the current bonding limits stated above.*

13. What is the name and AM Best rating of your bonding company? List the name and telephone number of your bonding company agent.

Bonding Company: _____ AM Best Rating: _____

Agent Name: _____ Telephone No.: _____

14. Liability Insurance: Provide the following information regarding your insurance coverage.

- a. Name of Primary Agent or Broker: _____
- b. Telephone No.: _____ Fax No.: _____

- ➔ *Provide a copy of a current Certificate of Liability Insurance. Note that insurance certificates confirming that your firm carries the minimum coverage outlined in "Section 00750 – Insurance Requirements for Contractors" (Attachment No. 2) must be provided when a contract is executed for a particular project.*

15. Have you ever been refused surety, bond, or liability insurance?

Yes: _____ No: _____

- ➔ *If yes, attach an explanation.*

16. Safety Information:

a. Does your firm have a written Safety, Health, and Environmental Program?

Yes: _____ No: _____

b. Obtain from your insurance agent/broker/carrier your Experience Modification Rate (EMR) for the past three years and list these Rates in the spaces provided below.

Year	Experience Modification Rate
20__	
20__	
20__	

→ Provide a copy of your workers compensation insurance carrier's documentation (e.g., NCCI Workers Compensation Experience Rating form) showing calculation of your EMR for the most current year.

c. Has your firm received any OSHA violations (citations) in the past three years?

Yes: _____ No: _____

→ If yes, attach a separate page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation was issued, the amount of penalty paid, if any. This question must be answered "Yes" and information provided if citations have been appealed or contested, but have not yet been resolved. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

17. Do Applicant's business policies conform with government regulations regarding nondiscrimination of employment and employment practices on the basis of sex, race, color, national origin, ancestry, age, religious conviction, veteran status, handicap status, political beliefs or non-job related criteria?

Yes: _____ No: _____

18. Is your firm classified as a Disadvantaged Business Enterprise (DBE)?

Yes: _____ No: _____

If yes, indicate:

DBE Certification Number: _____

Name of Certifying Organization: _____

19. Has your firm ever failed to complete any work awarded to you?

Yes: _____ No: _____

→ If yes, attach a detailed explanation.

20. Has your firm been assessed liquidated damages on any project in the past five years?

Yes: _____ No: _____

→ If yes, attach a detailed explanation.

21. Has your firm been involved in claims, arbitration, mediation, and lawsuits on public works projects, either a plaintiff or defendant, in the last five years?

Yes: _____ No: _____

→ If yes, attach a separate sheet listing: the style of the case, when filed, name of the claim, the nature of the claim, parties to the litigation, court in which litigation was filed and civil action number, whether the case is pending or resolved, and, if resolved, the date of and manner in which it was resolved (e.g., relief granted by court, settlement by or among parties, dispositive motion, trial verdict, and the name and location of the project involved).

22. Does your firm (including any member, officer, partner, subsidiary or affiliate thereof) have a pending citation for violating any provision of The Official Code of Cobb County, Georgia at the current time?

Yes: _____ No: _____

➔ *If yes, attach a separate sheet with a detailed explanation of the Code violation and the status of the resolution of the citation.*

23. Provide a list of the major items of equipment that are available for water main and sewer line construction. Indicate any equipment items that are leased.

➔ *Attach a detailed equipment list with specific notation whether items are owned or leased.*

24. Submit information regarding your experience (use the attached Form for Similar Projects and References) including for a minimum of three water main construction projects and three sewer line construction projects completed by your firm over the past six years. The names, addresses, location of the jobs performed, contract amounts, dates, and reference contact names with telephone numbers must be indicated on the form. Please be complete and ensure that all reference contact information is accurate and current. The submittal of Letters of Reference is desired and encouraged; but only in addition to the current reference contact information.

One Form for Similar Projects and References shall be completed for each project, using the blank form (water and/or sewer) attached. Supplemental information in other formats may also be attached to the Form if desired; however, a completed Form must be submitted for each project. A "Similar Project" is considered to involve at least 1,000 linear feet of pipeline installation and to include the following "Similarity Factors" in varying combinations.

Primary Similarity Factors:

- a. Construction within an established neighborhood involving interface with homeowners, landscape restoration, and pavement replacement;
- b. Construction within the right-of-way of an active public roadway and/or at a roadway intersection, requiring traffic control/diversion/maintenance, and;
- c. Coordination and work in close proximity with other active, in-service utilities.

Secondary Similarity Factors:

- a. Connection to an existing water main (water; wet-tap or cut-in);
- b. Temporary water main and/or service connections (water);
- c. Rock excavation;
- d. Sewage by-pass pumping operations, and;
- e. Adjustment of manhole rings and covers (sewer).

➔ *Provide a Form for Similar Projects and References for each of at least three water main and three sewer line construction projects completed within the past six years.*

➔ *Provide Letters of Reference to supplement information presented on Form.*

25. Forms: The forms to be completed and submitted with the Application follow this page.

- ➔ Affidavit for Contractor – Certification of Prequalification Application Content
- ➔ Financial Statements or Financial Information Form (alternate to submittal of financial statements)
- ➔ Form for Similar Projects and References – Water Main Installation (copy as needed)
- ➔ Form for Similar Projects and References – Sewer Line Installation (copy as needed)
- ➔ Applicant's Checklist

Note: This symbol (➔) indicates required attachments.

**COBB COUNTY WATER SYSTEM
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**Affidavit for Contractor
Certification of Prequalification Application Content**

I, the undersigned, _____ (typed name) as the authorized representative for _____ (typed company name), a contractor interested in becoming prequalified for bidding on Cobb County Water System projects, do hereby attest that all statements and representations made herein are true and correct to the best of my knowledge. These statements are made openly and freely without intent to influence or embellish actual conditions or circumstances that occurred.

I understand that the Cobb County Water System will investigate any and all statements and representations in this application made by my firm and me and we freely give our permission for them to do so. Should releases be required by any of our professional, financial, or bonding institutions to release verification of the enclosed data, I have provided them in the application package. I agree to waive any claims against the Cobb County Water System for the release of the information necessary to evaluate this application.

I am hereto sworn _____ (signature)

_____ (title)

_____ (firm name)

This date _____, _____

County of _____ State of _____

The foregoing instrument was acknowledged before me this _____ day of _____

_____ (Notary signature)

_____ (typed Notary name)

My commission expires _____

(Notary Seal)

**COBB COUNTY WATER SYSTEM
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Financial Information Form

All Applicants must provide an audited or reviewed Financial Statement or must submit this *Financial Information Form*, completed by an independent certified public accountant. The ratios and other information listed hereon must be calculated from data included in audited or reviewed Financial Statements prepared for the Applicant by an independent certified public accountant. The use of compiled or self-prepared financial statements in preparation of this *Form* is not acceptable.

Name of Applicant _____

Item	Value by Year		
	20__	20__	20__
Current Ratio ¹			
Quick Ratio ²			
Solvency Ratio ³			
Total Debt Ratio ⁴			
Debt to Equity Ratio ⁵			
Profitability ⁶			
Stockholder's Equity ⁷			

¹Current Ratio = Current Assets / Current Liabilities

²Quick Ratio = Cash + Cash Equivalents + Accounts Receivable / Current Liabilities

³Solvency Ratio = Shareholder's Equity / Total Assets

⁴Total Debt Ratio = Current Liabilities + Long-term Liabilities / Total Assets

⁵Debt to Equity Ratio = Current Liabilities + Long-term Liabilities / Shareholder's Equity

⁶Profitability = Profit before Taxes x 100 / Total Assets

⁷Stockholder's Equity – indicate range of value based on the following categories:

Less than \$500K = 1; \$500K to \$1M = 2; \$1M to \$2M = 3; \$2M to \$4M = 4; Greater than \$4M = 5

Accountant's Certification

I (we) have examined this *Financial Information Form* and the Applicant's original audited or reviewed financial statements, and find that the all information presented hereon is based on data extracted from those financial statements. I understand that this form is intended solely for use by the Cobb County Water System during review of the Application for Prequalification for Water and Sewer Line Construction submitted by the Applicant. In addition, I have no personal financial interest or affiliation with this organization or individual.

Firm Signature: _____ Date: _____

Independent Certified Public Accountant:

Firm Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

FORM FOR SIMILAR PROJECTS AND REFERENCES – WATER MAIN INSTALLATION

Name of Contractor: _____		
Project Name: _____		
Location: _____		
Project Owner: _____		
Contact Person: _____		
Telephone Number: _____		
Email Address: _____		
Project Engineer: _____		
Contact Person: _____		
Telephone Number: _____		
Email Address: _____		
Contract Dates:	Date of Notice to Proceed:	Date of Final Completion:
Contract Amount:	Original: \$ _____	Final: \$ _____
Brief Description of Project (include pipe sizes and lengths and other pertinent information): _____ _____		
Type of Project (check appropriate box): <input type="checkbox"/> Public Works <input type="checkbox"/> Private Owner Contractual Status on Project (check appropriate box): <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor If subcontractor, provide name of Prime Contractor: _____		
Did you provide performance and/or payment bonds on this project? Yes ____ No ____		
Was this project completed within the original contract period? Yes ____ No ____		
Was this water main constructed within the right-of-way of an active public roadway and/or at a road intersection? Yes ____ No ____		
Did this project require traffic control, diversion, and maintenance within the right-of-way and/or at a road intersection? Yes ____ No ____		
Was this water main constructed in an established neighborhood? Yes ____ No ____		
Did this project include the restoration of landscaped yards? Yes ____ No ____		
Did this project include work in close proximity with other active utilities? Yes ____ No ____		
Did this project include rock excavation? Yes ____ No ____		
Did this project include the connection to an existing water main (wet tap or cut in)? Yes ____ No ____		
Did this project include a temporary water main or temporary service connections? Yes ____ No ____		
Did this project include pavement replacement? Yes ____ No ____		
Is a letter of reference from the project owner included with this application? Yes ____ No ____		

Copy this form for additional Similar Projects – Water Main Installation

FORM FOR SIMILAR PROJECTS AND REFERENCES – SEWER LINE INSTALLATION

Name of Contractor: _____		
Project Name: _____		
Location: _____		
Project Owner: _____		
Contact Person: _____		
Telephone Number: _____		
Email Address: _____		
Project Engineer: _____		
Contact Person: _____		
Telephone Number: _____		
Email Address: _____		
Contract Dates:	Date of Notice to Proceed:	Date of Final Completion:
Contract Amount:	Original: \$ _____	Final: \$ _____
Brief Description of Project (include pipe sizes and lengths and other pertinent information): _____ _____		
Type of Project (check appropriate box): <input type="checkbox"/> Public Works <input type="checkbox"/> Private Owner Contractual Status on Project (check appropriate box): <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor If subcontractor, provide name of Prime Contractor: _____		
Did you provide performance and/or payment bonds on this project? Yes ____ No ____		
Was this project completed within the original contract period? Yes ____ No ____		
Was this sewer line constructed within the right-of-way of an active public roadway and/or at a road intersection? Yes ____ No ____		
Did this project require traffic control, diversion, and maintenance within the right-of-way and/or at a road intersection? Yes ____ No ____		
Was this sewer line constructed in an established neighborhood? Yes ____ No ____		
Did this project include the restoration of landscaped yards? Yes ____ No ____		
Did this project include work in close proximity with other active utilities? Yes ____ No ____		
Did this project include rock excavation? Yes ____ No ____		
Did this project include temporary by-pass pumping of raw sewage? Yes ____ No ____		
Did this project include adjustment of existing manhole rings and covers? Yes ____ No ____		
Did this project include pavement replacement? Yes ____ No ____		
Is a letter of reference from the project owner included with this application? Yes ____ No ____		

Copy this form for additional Similar Projects – Sewer Line Installation

**COBB COUNTY WATER SYSTEM
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Applicant's Checklist

Applicant Name: _____ Date Submitted: _____

Instructions: Organize application package as outlined on this form with each section separated under a numbered tab. Submit this form with your application package. Note that incomplete submittals will be returned to the Applicant without review.

GENERAL

An original and one copy of forms and attachments submitted?

SECTION 1

Contractor's Qualification Statement form filled out in its entirety?

Signed and notarized Affidavit for Contractor attached?

Applicant's Checklist included with submittal?

SECTION 2

Background and experience summaries for key personnel attached?

Equipment list attached?

SECTION 3

Form for Similar Projects and References completed in entirety and attached?

Letters of Reference attached?

SECTION 4

Financial statements or Financial Information Form attached?

SASE or delivery service account number included for return shipment of financial statements, if return option is selected?

Letter from bonding company agent attached?

Certificate of Liability Insurance form attached?

Information regarding inability to obtain surety, bond, or liability insurance attached (if applicable)?

Workers Compensation Experience Modification Rate form for most current year attached?

SECTION 5

OSHA citation information attached (if applicable)?

Information regarding failure to complete work attached (if applicable)?

Liquidated damages assessment information attached (if applicable)?

Information regarding claims, arbitration, mediation, and lawsuits attached (if applicable)?

Information regarding pending County Code violation citations attached (if applicable)?

ATTACHMENT NO. 2

COBB COUNTY WATER SYSTEM APPLICATION FOR PREQUALIFICATION FOR WATER AND SEWER LINE CONSTRUCTION

Insurance Requirements for Contractors

The following requirements are included in each construction contract issued by the Cobb County Water System as Section 00750 of the Contract Documents. The Applicant must provide evidence of coverage and applicable endorsements at the time the contract is executed. Note that the need for Builder's Risk coverage will be assessed by the Owner on a project-by-project basis. Section 00750 reads as follows:

SECTION 00750 INSURANCE REQUIREMENTS FOR CONTRACTORS

The Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with performance of the work hereunder by the Contractor, his agents, representatives, employees, or subcontractors.

Attention: The Contractor is advised that certain provisions contained herein require specific endorsements of your insurance policy. Do not assume that your standard policy will be suitable to meet the requirements of Cobb County. The submittal of incomplete or non-conforming documents will delay the execution of the Contract/Agreement and the issuance of the Notice-to-Proceed for the Project.

1. MINIMUM LIMITS OF INSURANCE

- A. Statutory Workers' Compensation Insurance. The statutory limits as established by the General Assembly of the State of Georgia shall be met by Contractor and/or subcontractor. The workers' compensation policy must include Coverage B - Employer's Liability with minimum limits of:

Bodily Injury by Accident -\$1,000,000 each accident

Excess liability coverage may be used in combination with the base policy to obtain these limits. The Contractor shall require all subcontractors, of any tier, performing work under the contract to obtain an insurance certificate showing proof of Workers' Compensation and Employers Liability Coverage or shall certify that the subcontractors are covered by the Contractor's insurance.

- B. Commercial General Liability Insurance. The Contractor shall procure and maintain a Commercial General Liability Insurance Policy covering bodily injury, property damage liability and personal injury. The policy or policies must be on an "occurrence" basis ("Claims Made" coverage is not acceptable) insuring personal injury and property damage against the hazards of premises and operations, products and completed operations, blasting and explosion, collapse,

underground damage, independent contractor's and contractual liability (specifically covering the indemnity) and have the minimum limits of liability listed below. The Commercial General Liability policy shall also include contractual liability coverage. The Commercial General Liability policy must include separate aggregate limits per project. Excess liability coverage may be used in combination with the base policy to obtain the following limits.

Premises and Operations	\$1,000,000 per Occurrence
Products and Completed Operations	\$1,000,000 per Occurrence
Personal Injury	\$1,000,000 per Occurrence
Contractual	\$1,000,000 per Occurrence

- C. Auto Liability Insurance. The Contractor shall procure and maintain a Business Automobile Liability Policy with liability limits of not less than \$1,000,000 per person and \$1,000,000 per occurrence or a policy with a Combined Single Limit of not less than \$1,000,000 covering any owned, non-owned or hired autos. Excess liability coverage may be used in combination with the base policy to obtain these limits. The form of coverage must be as follows and/or cover the following areas:

Comprehensive form covering all owned, non-owned, leased, hired, and borrowed vehicles
Additional Insured Endorsement
Contractual Liability

- D. Commercial Umbrella Liability Insurance. The Contractor shall provide Commercial Umbrella Liability Insurance to provide excess coverage above the Commercial General Liability, Commercial Business Automobile Liability, and the Workers' Compensation and Employers' Liability to satisfy the minimum limits set forth herein. The Umbrella coverage shall follow form with the Umbrella limits required as follows:

\$2,000,000 Combined Single Limits per Occurrence

- E. Builder's Risk Insurance. The Contractor shall secure "All-Risk" type of Builder's Risk insurance covering work performed under the Contract, and materials equipment or other items to be incorporated therein, while the same are located at the construction site, stored off-site, or at the place of manufacture. The policy limit shall be for 100% of the value of the Contract. The policy shall cover not less than losses due to fire, flood, explosion, hail, lightning, weather, vandalism, malicious mischief, wind, collapse, riot, aircraft, smoke or other cataclysmic events, until the date of final acceptance of the work.

The making of progress payments to the Contractor shall not be construed as relieving the Contractor or his subcontractors or the insurance company or companies providing the coverage described herein of responsibility for loss or direct physical loss, damage or destruction occurring prior to final acceptance.

2. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

- A. Additional Insured Endorsement – General Liability, Automobile Liability, and Umbrella Liability
 - 1. The “Owner, Construction Manager, Engineer and their respective officers, officials, employees, and volunteers” are to be covered as Additional Named Insureds as respects all liabilities to be insured against by the policies described in Subsections 1.B, 1.C, and 1.D above.
 - 2. The coverage shall contain no special limitation on the scope of protection afforded to the Owner, Construction Manager, Engineer and their respective officers, officials, employees, or volunteers. Nothing in this paragraph shall be construed to require the Contractor to provide liability insurance coverage to the Owner, Construction Manager, or Engineer for claims asserted against the Owner, Construction Manager, or Engineer for their sole negligence.
 - 3. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - 4. Provide a separate endorsement for each policy, signed by the authorized agent and citing individual policy numbers.
 - 5. The coverage shall be primary and shall contain no special limitations on the scope of protection afforded to the Certificate Holder/Additional Insured.
 - 6. Coverage shall be provided on a “pay on behalf” basis, with defense costs payable in addition to policy limits. There shall be no cross-liability exclusion.
 - 7. In lieu of a separate endorsement, a copy of the declaration page for the Umbrella Liability Policy may be provided, listing the policy numbers for each type of insurance covered by the Umbrella.
- B. Waiver of Subrogation Endorsement – Workers' Compensation and Employers' Liability Coverage
 - 1. The insurer shall agree to waive all rights of subrogation against the Owner, Construction Manager, Engineer and their respective officers, officials, employees, and volunteers for losses arising from work performed by the Contractor for the Owner under the Contract.
 - 2. Provide a separate endorsement for the policy, signed by the authorized agent and citing individual policy number.
- C. Notice of Cancellation Endorsements – General Liability, Automobile Liability, Umbrella Liability, and Workers' Compensation
 - 1. Each insurance policy shall be endorsed to state that should any coverage be suspended, voided, cancelled or reduced in coverage or in limits, thirty days prior written notice will be given to the Certificate Holder. Notice of cancellation for non-payment of premium shall be not less than ten days.

2. Provide a separate endorsement for each policy, signed by the authorized agent and citing individual policy numbers.
3. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Owner, Construction Manager, Engineer and their respective officers, officials, employees, or volunteers.

D. Deductibles and Self-insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Owner. At the option of the Owner, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Owner, Construction Manager, Engineer and their respective officers, officials, and employees; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claims administration, and defense expenses.

All deductibles shall be paid by the Contractor.

E. Failure of Insurers

The Contractor is responsible for any delay resulting from the failure of its insurance carriers to furnish proof of coverage in the prescribed form. The summary table shown below in paragraph 4.C can serve as a checklist to confirm the submittal of all required endorsements.

F. Contractor's Property and Equipment

The Contractor is responsible for insuring its own property and equipment.

3. ACCEPTABILITY

- A. The insurance purchased by the Contractor must be issued by a company licensed by the Insurance Commissioner to transact business in the State of Georgia or by a company acceptable to the State if the company is an alien insurer.
- B. Insurance is to be placed with insurers with a Best Policyholders Rating of "A" or better and with a financial size rating of Class VII or greater, or be otherwise acceptable to the Owner.

4. VERIFICATION OF COVERAGE

- A. The Contractor shall furnish the Owner with four original Certificates of Insurance, each with endorsements effecting coverage required by this Section of the Contract Documents. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.
- B. The insurance certificate must provide the following:
 1. Name and address of authorized agent.

2. Name and address of insured. Name of insured must appear exactly as shown on Contractor's seal on Contract with Owner.
3. Name of insurance company(ies).
4. Description of policies.
5. Policy number(s).
6. Policy period(s).
7. Name and address of Owner as Certificate Holder (see Subsection D below).
8. Cobb County Water System Program Name and Number.
9. Signature of authorized agent.
10. Telephone number of authorized agent.

C. The required endorsements to be submitted are summarized in the following table:

ENDORSEMENT SUMMARY TABLE

Type of Insurance	Endorsement
General Liability	Owner, etc. as Additional Insured
General Liability	Notice of Cancellation
Automobile Liability	Owner, etc. as Additional Insured
Automobile Liability	Notice of Cancellation
Umbrella Liability	Owner, etc. as Additional Insured ¹
Umbrella Liability	Notice of Cancellation ¹
Workers' Compensation	Waiver of Subrogation
Workers' Compensation	Notice of Cancellation

¹Declarations pages may be submitted for Umbrella policies.

D. The Certificate Holder must be shown as:

Cobb County, Georgia
 Attention: Cobb County Water System
 Engineering & Records Division
 660 South Cobb Drive
 Marietta, GA 30060-3105

E. The certificates and endorsements naming additional insureds and indicating required waivers are to be submitted with the executed Agreement/Contract and Performance and Payment Bonds, for approval by the Owner before work commences. The Owner reserves the right to require the submittal of complete, certified copies of all required insurance policies at any time.

5. SUBCONTRACTORS

Contractor shall include all subcontractors as additional insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. Coverage for subcontractors shall be subject to all of the requirements stated herein. Owner may request evidence of subcontractor's insurance. Contractor shall ensure that all subcontractors comply with the insurance requirements and provisions of this Section.

END OF SECTION

ATTACHMENT NO. 3

**COBB COUNTY WATER SYSTEM
APPLICATION FOR PREQUALIFICATION
FOR WATER AND SEWER LINE CONSTRUCTION**

COBB COUNTY POLICY ON PRE-QUALIFICATION OF CONTRACTORS

The following four pages entitled “Final Adopted Version – July 12, 2005, Policy on Pre-qualification of Contractors” is Cobb County’s current contractor prequalification policy, as adopted by the Board of Commissioners on July 12, 2005.

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FINAL ADOPTED VERSION -JULY 12, 2005
POLICY FOR PRE-QUALIFICATION OF CONTRACTORS

PURPOSE AND SCOPE

To provide direction and policy for the prequalification of general contractors (involving multiple subcontractors) for Cobb County facility and building construction or renovation projects, Cobb County Water System water and sewer line contractors, and for Department of Transportation projects to allow the selection of the most qualified and most responsible construction contractors at the best price for County projects. When utilized, this policy will eliminate repeating the process of determining qualifications of contractors each time a project is needed. Prequalification is most practical for those services which are sought on a regular and frequent basis and where the nature of the scope of work for which future services will be sought is sufficiently standardized to allow the necessary qualifications to be determined and evaluated separately from a specific scope of work. This policy is not intended to preempt the County from choosing to pre-qualify contractors on a project by project basis, particularly where related experience on a large and/or highly specific project may be more important than price. Any provision in this policy that is or may become in conflict with controlling state law, shall be deemed null and void.

A. GENERAL POLICY

- 1) Under a prequalification process, firms will be asked to respond to a Request for Qualifications ("RFQ") which has been developed for a particular type of construction services. The qualifications submitted by each firm in response to the RFQ will be evaluated by a Review Committee(s) (the "Committee") appointed by the County Manager. The Committee will make a recommendation to the Board of Commissioners as to whether a firm should be included on a list of approved firms to perform the particular type of construction services. No RFQ will be accepted or considered from a firm having a pending citation for violating any provision of The Official Code of Cobb County, Georgia as of the deadline for submitting the RFQ. This policy shall extend to any member, officer, partner, subsidiary or affiliate thereof. This exclusion shall extend to a firm which incurs a pending citation after submitting an RFQ but before recommendation is made to the Board of Commissioners, if the citation remains pending at such time.
- 2) Multiple lists of qualified firms may be created by the Board of Commissioners when there is a sufficient degree of variance in size, type, and/or difficulty of scope of work or services to be rendered. This allows qualified firms of all sizes to have the opportunity to provide services to Cobb County. Multiple lists of qualified firms may also be created by the Board of Commissioners for each individual County department that is responsible for implementing construction projects covered by this policy.
- 3) A firm may be removed from any approved list by the Board of Commissioners pursuant to paragraph B, section 8 of this Policy if it performs unsatisfactorily, becomes financially unstable, regularly fails to submit bids on County projects, or for any other

FINAL ADOPTED VERSION -JULY 12, 2005
POLICY ON PRE-QUALIFICATION OF CONTRACTORS

reason deemed to be in the best interest of the County. Additionally, upon the recommendation of the Agency Director of Cobb County Community Development, a firm may be removed from any approved list by the Board of Commissioners which has a pending citation for violating any provision of the Official Code of Cobb County, Georgia (including any member, officer, partner, subsidiary, or affiliate thereof). Removal pursuant to this authority shall not be subject to the provisions of Section 8 hereof.

- 4) Unless extended pursuant to the terms of this Policy, every two (1) years the existing lists will be abandoned and the pre-qualifying process will begin anew.

B. PRE-QUALIFICATION PROCESS:

- 1) Prequalification shall be used as the first step of the competitive selection process for selection of contractors to identify eligible contractors for covered projects.
- 2) The lists of pre-qualified contractors will be developed every two (2) years through a competitive, advertised proposal response process. Advertisement for RFQ's will be for four (4) consecutive weeks, or as provided by law, and will be published in the legal organ of the County.
- 3) The RFQ's will be prepared by the Committee(s). The RFQ will request information concerning the contractor's experience, staff experience, staff qualifications, previous work experience, financial stability (including bonding capacity and insurance), references, conflicts of interest, location of established office in the metro Atlanta area, and other pertinent information. These criteria will be used by the Committee(s) to evaluate the capability of the contractor to perform.
- 4) Contractors who are not on a pre-qualified list and who wish to be pre-qualified during the two (2) year period may submit a response in compliance with the original Request for Qualifications at any time during the two (2) year prequalification period. If necessary, at the end of each calendar quarter, the Committee(s) will review all interim applications received during such quarter. The applicable quarters end on January 1, April 1, July 1 and October 1 of the first year and January 1, April 1 and July 1, of the second year of the prequalification period, unless extended in which event the same schedule of quarters for the first year shall apply. In order for an interim application to be considered in a particular quarter it must be received by the Purchasing Department before 5:00 p.m. on these dates. Should any date referenced within this paragraph fall on a Saturday, Sunday or County Holiday, the deadline for submission of responses shall be 5:00 p.m. on the first County workday following said dates. Approved prequalification of all contractors shall expire at the end of the two (2) year period, whether approved at the beginning or during the prequalification period. Any pre-qualified list may be extended beyond the two year period upon approval by the Board of Commissioners.
- 5) On all construction or renovation projects anticipated to exceed \$100,000 or any other amount which may be specified by State law or Cobb County ordinance, there shall be an advertisement for bids in the local organ and/or the internet for four (4) consecutive weeks requesting bids only from contractors on the appropriate pre-qualified list(s). Bids received for construction projects covered under this policy from contractors not on a

FINAL ADOPTED VERSION -JULY 12, 2005
POLICY ON PRE-QUALIFICATION OF CONTRACTORS

pre-qualified list will be rejected and returned unopened. Bids will be awarded to the lowest responsive bidder.

- 6) On all construction or renovation projects anticipated to exceed \$25,000, acceptable performance and payments bonds, as defined in the Invitation to Bid for each respective project, shall be required to be submitted to the County after the contractor has been provided notice of award but prior to the County execution of the contract and issuance of notice to proceed. If any applicable law requires bonds for lesser valued projects, that law will control.
- 7) The department responsible for the construction project will evaluate the contractor's performance at the end of each project to determine their eligibility to remain on the pre-qualified list. Evaluation criteria will include but not be limited to the contractor's ability to meet the construction schedule and work within the construction budget; the quality of work; analysis of change orders; administration of the construction project (pay requests, etc.); and the manner with which the contractor works with the architect and county staff.
- 8) A contractor may be removed from the prequalification list at any time based on failure to perform satisfactorily, misrepresentation of qualifications, failure to respond to three consecutive Invitations to Bid, financial instability, or for other reasons deemed to be in the best interest of the County. Notice to the contractor in writing stating reasons for recommended removal will be given by the County.

The contractor recommended to be removed from the list must be notified in writing thirty (30) calendar days prior to the effective date of removal. The notice must outline the reasons for the recommendation and offer the opportunity for the contractor or the contractor's representative to meet with the Committee and provide evidence that the reasons for removal are not valid. The Committee will hear the evidence and decide whether the proposed removal is justified. If the Committee does not reverse its recommendation for removal, the recommendation will be forwarded to the Board of Commissioners.

The contractor will have the right to appeal the decision of the committee to the Board of Commissioners within thirty (30) calendar days of the date of the Committee's decision. The appeal must be filed with the County Clerk. If an appeal is not timely filed, the committee may request the Board remove the contractor.

Notwithstanding the above, the County may abandon its pre-qualification policy at anytime and the pre-qualified lists shall become null and void. Additionally, nothing contained in this Policy shall serve to create any vested right or property interest with regard to any person or entity being on a pre-qualified list, and no due process shall apply.

- 9) Board of Commissioners' authorization is required to add or delete any contractor from any pre-qualified list. Recommended additions to the list of pre-qualified firms will be presented to the Board of Commissioners on an as needed basis.

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POLICY ON PRE-QUALIFICATION OF CONTRACTORS

C. PRE-QUALIFIED LISTS

Pre-qualified lists of general contractors will be developed and maintained by the Purchasing Department for the following categories:

1. **PROPERTY MANAGEMENT** - General Building Construction and Renovation Projects administered by the Property Management Department
 - a. Covered projects valued at greater than \$250,000 but less than \$1,000,000
 - b. Covered projects valued between \$1,000,000 and \$10,000,000
 - c. Covered projects valued \$10,000,000 and greater

2. **PARKS, RECREATION AND CULTURAL AFFAIRS** Non-Building, Sports or Recreational Facility Construction and Renovation Projects administered by the Parks, Recreation and Cultural Affairs Department
 - a. Covered projects valued at greater than \$250,000 but less than \$1,000,000
 - b. Covered projects valued between \$1,000,000 and \$10,000,000
 - c. Covered projects valued \$10,000,000 and greater

3. **WATER SYSTEM** -Water and sewer line contractors shall be developed and maintained by the Water System for the following categories:

Water and Sewer line projects -All projects regardless of size or value

4. **DEPARTMENT OF TRANSPORTATION** - All Department of Transportation projects.

While DOT does not pre-qualify its contractors for County-funded projects, Department of Transportation may utilize the Georgia Department of Transportation pre-qualified contractors list for projects utilizing state and/or federal funds.

5. **OTHER PROJECTS** - The County reserves the right to pre-qualify any project of a more complex or special nature on an individual project basis.