

RULES AND REGULATIONS OF THE STATE OF GEORGIA

CHAPTER 672-5

GOVERNING THE PREQUALIFICATION OF PROSPECTIVE BIDDERS

Rule 672-5-.01 Purposes of Rules

- (a) The purposes of these Rules Governing the Prequalification of Prospective Bidders are:
 - (1) To minimize delays in the awarding of contracts after bids have been opened.
 - (2) To insure that Department contracts will be awarded only to reliable bidders.
- (b) These Rules do not apply to contracts for routine or preventative maintenance, including but not limited to those contracts subject to Department Policy Number 6130-7 Guidelines for Maintenance Service Agreement, except in those instances where the Department specifically requires prequalification pursuant to these Rules. In addition, these Rules do not apply to those contracts entered into pursuant to O.C.G.A. §§ 32-2-80 through 32-2-82, except in those instances where such contract specifically requires compliance with either part of or the entirety of these Rules.

Rule 672-5-.11 Application for Subcontractor Registration

- (1) In order for the Department to maintain a register of Subcontractors, any person desiring to perform work on Department projects as a Subcontractor must obtain a Certificate of Registration by submitting a notification of such desire under oath to the Department on forms to be furnished by the Department. The original notification may be filed at any time, but in no case less than ten (10) days prior to the prime contractor's requesting approval of the subcontract to which the Prospective Subcontractor will be a party. The notification must include the following information:
 - (a) A statement as to the Prospective Subcontractor's major plant and equipment, which shall give details as to type, age and condition;
 - (b) A statement of the Prospective Subcontractor's organization which shall develop the adequacy of such organization, including key personnel, to undertake work;
 - (c) A statement of the experience of the Prospective Subcontractor, including its principal officers and key employees, which shall show the number of years the Prospective Subcontractor has been engaged in the contracting business and disclose generally its experience over that period;
 - (d) A statement which shall give an accurate record of any work, whether under its present name or some other, on which it has been engaged in the five (5) years next preceding this notification, both in Georgia and elsewhere, as a contractor of record or under a subcontract, giving a description of the project undertaken, the type of work in which it engaged, the location of the work, the contract amount and the name of the contracting

person, firm, corporation or agency. In the case of work performed under a subcontract, the prime contractor shall be named;

- (e) A complete and accurate statement of any liens, stop notices or claims filed against the Prospective Subcontractor on any project listed in response to Rule 672-5-.11(1)(d). The statement shall also disclose any failure or failures to complete a contract or contracts and any liquidated damages or penalties, monetary or otherwise imposed by reason of any contract undertaken and determined to be in noncompliance with pertinent statutes within the five (5) year period preceding this notification. A detailed explanation of all such items shall be given;
 - (f) A statement setting forth any other relevant, pertinent and material facts or data which the Prospective Subcontractor deems would show that it is qualified to perform the work which it has represented that it is willing and capable of undertaking;
 - (g) A statement which shall list the specific area of class/classes of work for which the Prospective Subcontractor is qualified; and
 - (h) A statement of specific geographic location within the State which lists the Department district in which the contractor will typically work.
 - (i) A certification by the Prospective Subcontractor that it is not currently suspended or debarred by another state or federal governmental entity or has not been voluntarily excluded in another state or federal governmental entity and that no state or federal governmental entity has instituted any action to suspend or debar the Prospective Subcontractor. The Application of any Prospective Subcontractor who is currently suspended or debarred by another state or federal governmental entity or who has been voluntarily excluded in another state or federal governmental entity, regardless of whether the Prospective Subcontractor intends to bid on state or federally funded projects, will be rejected. The Application must further contain the certification that, if at any time during the period that a Prospective Subcontractor maintains a Certificate of Registration an action is instituted by a state or federal governmental entity to suspend or debar the Prospective Subcontractor, or the Prospective Contractor becomes voluntarily excluded in another state or federal governmental entity, the Prospective Subcontractor will immediately notify the Department's Director of Construction; and
- (2) A person desiring to remain on the register of Subcontractors shall submit a notification of such desire on forms provided by the Department no less often than once every two (2) years and more often should it be deemed necessary by either the Prospective Subcontractor or the Prequalification Committee. Should the Prequalification Committee request such a filing, the notification shall be filed within thirty (30) days after receipt of the request. Failure on the part of the Prospective Subcontractor to file the notification every two years or to file the notification requested by the Prequalification Committee within thirty (30) days after receipt of such request shall be grounds for its removal from the register of Subcontractors pursuant to Rule 672-5-.15. The Prospective Subcontractor must submit an updated notification of desire to remain on the register of Subcontractors on forms provided by the Department, when it has sold or acquired a large number of assets.

- (3) Subcontractors will be assigned a Maximum Capacity Rating, which shall represent the maximum dollar amount of work a registered Subcontractor may undertake on Department projects at any one time. The value of any single subcontract will not exceed Two Million Dollars (\$2,000,000). The Maximum Capacity Rating for each registered Subcontractor will be established utilizing the following formula:

$$Q = (F)[\$250,000.00](B)$$

Q = Maximum Capacity Rating

F = Ability or Multiplying Factor as established by performance ratings.

B = Base Value. For state fiscal years 2024-2030, the value of "B" shall be \$300,000. Thereafter, the Prequalification Committee shall perform or cause to be performed an audit of the value of "B" at a minimum of every five (5) years to ensure that the value of "B" takes into consideration current inflation trends and other relevant market trends. Based upon the result of this audit, the Department may amend the value of "B" by making an amendment to its Prequalification Manual, which shall be published on the Department's website, www.dot.ga.gov.

- (4) The registration of, and assignment of a Maximum Capacity Rating to, a Subcontractor by the Department is not, nor shall it be construed as, a warranty, certification, implication or assurance by the Department that the registered Subcontractor is qualified, either as to the type of work or quantity, to undertake the work for which the Subcontractor is hired by the prime contractor. The registration of, and assignment of a Maximum Capacity Rating to, a Subcontractor by the Department shall not relieve the prime contractor of its responsibility to determine that its Subcontractors are in fact qualified to perform the work for which they are engaged nor relieve the prime contractor of any rights, liabilities, duties or obligations under its contract with the Department.