



Loudoun County, Virginia

PREQUALIFICATION FOR THE CONSTRUCTION OF THE NEW LOUDOUN COUNTY JUVENILE DETENTION CENTER

This is a reissuance of prequalification RFQ 7756 that was issued on March 14, 2018. Vendors who submitted an application in response to RFQ 7756 shall submit a new application in response to RFQ 121782 in order to be allowed to submit a bid for the Construction of Loudoun County's New Juvenile Detention Center Facility.

ACCEPTANCE DATE: Prior to 4:00 p.m., December 12, 2019 "Local Atomic" Time

RFP NUMBER: RFQ 121782

ACCEPTANCE Department of Finance and Procurement

PLACE: Division of Procurement

1 Harrison Street, SE, 4th Floor

Leesburg, Virginia 20175

Loudoun County is accepting applications for the Prequalification of Bidders for the Construction of the New Loudoun County Juvenile Detention Center. Prequalification forms may be picked up at the Division of Procurement at the address above between the hours of 9:00 a.m. and 5:00 p.m. weekdays or call (703) 777-0403. Prequalification forms can be downloaded from the Loudoun County website at www.loudoun.gov/procurement.

Requests for information related to this Prequalification should be directed to:

Delphine G. Lambert

Contracting Officer

(703) 771-5438

E-mail address: delphine.lambert@loudoun.gov

This document can be downloaded from our web site:

www.loudoun.gov/procurement

Issue Date: October 31, 2019

IF YOU NEED ANY REASONABLE ACCOMMODATION FOR ANY TYPE OF DISABILITY IN ORDER TO PARTICIPATE IN THIS PROCUREMENT, PLEASE CONTACT THIS DIVISION AS SOON AS POSSIBLE.

PREQUALIFICATION FOR THE CONSTRUCTION OF THE NEW LOUDOUN COUNTY JUVENILE DETENTION CENTER

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Attachment 1: Preliminary Juvenile Detention Center Site Plans (1a) and Rendering (1b) are not for construction and are provided for applicants to compare project requirements to related experience.

Attachment 2: Affidavit of Accuracy (must be notarized)

Prepared By: s/Delphine Lambert, CPPB
Contracting Officer

Date: October 31, 2019

PREQUALIFICATION FOR THE CONSTRUCTION OF THE NEW LOUDOUN COUNTY JUVENILE DETENTION CENTER

1.0 PURPOSE

The intent of this prequalification process is for the County of Loudoun, Virginia (County) to identify the most qualified General Contractors with successful experience in the construction of Juvenile Detention Center facilities. This Prequalification is for General Contractors only. Prequalification packages will **NOT** be accepted from subcontractors.

2.0 COMPETITION INTENDED

It is the County's intent that this prequalification process permits a competitive bidding process for the Construction of Loudoun County's New Loudoun County Juvenile Detention Center. It shall be the Applicant's responsibility to advise the Purchasing Agent in writing if any language, requirement, specification, etc., or any combination thereof, that inadvertently restricts or limits the requirements stated in this prequalification solicitation to a single source. Such notification must be received by the Purchasing Agent not later than fifteen (15) days prior to the date set for acceptance of applications.

3.0 DESCRIPTION OF WORK

Located near the intersection of Gourley Transit Drive and Crosstrail Boulevard, the New Loudoun County Juvenile Detention Center (JDC or Facility) will replace the existing detention center and will allow for the expansion of the JDC in future years. The one-story Facility will provide twenty (20) detention beds with a future expansion capacity of twenty (20) additional beds. The JDC will include two (2) detention housing pods, a fifteen (15) bed youth shelter housing pod, a public resource center, a dining area, classrooms, offices, medical services, visitation areas, a gym, administration offices, and other staff support spaces.

The County has committed to achieving Leadership in Energy and Environmental Design (LEED®) for New Construction v2009 certification. The Facility is pursuing a minimum of Silver certification upon completion, with aggressive energy use reduction goals.

Site selection for the JDC accounts for reasonable site area to accommodate the proposed building with expansion, parking lots, drive isles, loading dock, recreation yard, Sallyport drop off loop, sidewalk, utility routing and easements, SWM/BMP facilities, landscape buffers, road setbacks, existing grade and resource protection areas that cannot be disturbed (i.e. wetlands, tree stands). Water service will be extended to the site from the main located along Gourley Transit Drive and Crosstrail Boulevard. Sanitary sewer is proposed to exit the west side of the building and will tie into the main trunk line located at the Loudoun County Adult Detention Center to the north. Underground power, gas, and telecommunication

facilities are also expected to be extended to the site. The project area limits are approximately seven (7) acres, with an existing grade drop of 24' across the site. The JDC is generally described as a one-story building with exterior brick and concrete masonry unit bearing cavity walls and interior steel columns supporting steel joists with a combination of low slope membrane roofs and curved standing seam metal roofs. The exterior bearing walls typically consist of 8" concrete masonry units, an air space with 2" of closed cell spray foam insulation, and 4" utility face brick with a continuous two-piece flashing. The exterior walls have two colors of brick veneer with cast stone banding and metal wall panels. The interior faces of the exterior walls are painted.

The JDC will be on shallow foundations consisting of continuous strip footings for walls, and isolated spread footings for columns. Foundations will be at minimum depth and shall be sized for allowable soil bearing pressure, contingent on the final geotechnical report. The building shall have a 5" reinforced concrete slab on grade. A 6" reinforced concrete slab on grade shall be utilized at the vehicular sallyport. The building will utilize exterior load-bearing masonry walls, and a combination of interior masonry bearing walls and steel framing, as required. The roof system will be 1-1/2" steel deck on open web steel joists, in the majority of the building. Curved steel roof beams supporting steel roof deck will be utilized at the dayroom and lobby clerestories. Long span open web steel joists will be utilized at the gym. All holding cells and sleep rooms will be constructed with masonry. Lateral forces shall be resisted by reinforced masonry shear walls and steel roof deck diaphragms in both directions.

The heating, ventilation and air conditioning (HVAC) system is a central geothermal plant utilizing high efficient ground coupled modular heat pump chillers. A four-pipe chilled water/ hot water VAV system uses the geothermal well field to provide heat rejection and absorption for the chiller/ heater plant. The geothermal chiller/ heater package includes source, chilled and hot water connections with an integral pump packaged for primary pumping. The source and secondary chilled and hot water pumps are variable flow, vertical inline pumps using variable frequency drives. The air handling system consists of six (6) units, two (2) indoor and four (4) outdoor rooftop units, all of which include chilled and hot water coils. The two (2) indoor units are located in the mechanical mezzanines and serve the housing pods. These are 100% outside air units with exhaust energy recovery wheels to pre-condition incoming outside air. An advanced air filtration system, comprised of charcoal/gas phase filters and a bi-polar ionization system is included to pre-treat air that may be contaminated during burn events at the nearby Fire & Rescue Training Complex.

A complete system of artificial interior lighting is provided for all spaces. All interior lighting is LED. Local switches for control of lighting are provided to serve each individual space, except interview rooms, which are controlled via switches located outside the room to prevent unauthorized use. As an energy-saving measure, spaces such as offices, conference rooms, and classrooms are provided with motion sensors to automatically turn lights off when not occupied.

The plumbing system will be comprised of both traditional and detention-grade low flow fixtures to promote water conservation throughout the entire facility.

The project will have detention doors and frames, pneumatic door locking system, detention hardware, security glazing, and security fencing. The security control system will be a fully-integrated, PLC-based control system with touchscreen control panels, running on a dedicated security network. Systems integration includes intercom, video surveillance, access control (Identicard), duress system, and auxiliary systems for remote control of water, lighting, receptacles, etc. in secure areas.

The estimate construction cost for the New Loudoun County Juvenile Detention Center is \$18,000,000.

4.0 PREQUALIFICATION PROCESS

4.1 General

- A. The term Applicant shall be defined as an individual, partnership, or other legal entity which submits an application in response to this solicitation.
- B. Only Applicants that have been pre-qualified in accordance with the procedures herein will be allowed to submit a bid for the Construction of Loudoun County's New Juvenile Detention Center Facility. Bids received from those who have not been pre-qualified will not be considered.
- C. Applicants agree that once prequalified, all criteria and requirements contained herein shall be maintained by the Applicant throughout the life of the prequalification and the construction of Loudoun County's New Juvenile Detention Center. The County reserves the right to conduct an independent investigation of any information, including prior experience, identified in a Prequalification Application by contacting project references, accessing public information, contacting independent parties, or any other means.
- D. All materials submitted by Applicants shall become the property of the County and will not be returned. By submitting an application, the Applicant agrees that the County may research and/or verify information provided and contact any applicable entities associated with such information.
- E. Applicants shall submit qualification information in accordance with the requirements identified herein. The County may, in its discretion, contact an Applicant during the evaluation process for clarification of any entries in the Application for Prequalification submitted by the Applicant and may request additional information. Such additional information must be submitted to the County no later than five (5) business days after the request. The decision to pre-qualify an applicant shall not, however, 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.

4.2 Evaluation Criteria

The County may deny pre-qualification to any Applicant only if it finds any of the following per § 2.2-4317; Prequalification for Construction of the Virginia Public Procurement Act:

- A. The Applicant does not have sufficient financial ability to perform the project. Evidence that the Applicant can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations that is properly licensed in the Commonwealth of Virginia in the amount and type required by the County shall be sufficient to establish the financial ability of the Applicant to perform the contract resulting from such procurement.
- B. The Applicant does not have the appropriate experience to construct Loudoun County's New Juvenile Detention Center as determined by the County.
- C. The Applicant or any officer, director, or owner thereof has had judgments entered against him/her within the past ten (10) years for the breach of contracts for governmental or non-governmental projects, including, but not limited to, design-build or construction management.
- D. The Applicant has been in substantial non-compliance, as determined by the County, with the terms and conditions of prior construction contracts with the County without good cause. If the County has not contracted with the Applicant in any prior construction contracts, the County may deny prequalification if the Applicant has been in substantial non-compliance with the terms and conditions of comparable construction contracts with another public body without good cause.
- E. 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 governmental or non-governmental construction or contracting, including, but not limited to a violation of the Loudoun County Purchasing policy, the Ethics in Public Contracting provisions of the Virginia Public Procurement Act (§ 2.2-4367 et seq.), the Virginia Governmental Frauds Act (§ 18.2 -498.1 et seq.), Chapter 4.2 (§ 59.1 - 68.6 et seq.) of Title 59.1, or any substantially similar law of the United States or another state.
- F. The Applicant or any officer, director, or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state, or agency of the federal government.
- G. The Applicant failed to provide to the County, within the established time

frame, any information requested in this solicitation relevant to items A through F above.

4.3 Evaluation Process

- 4.3.1 Applications will be evaluated in accordance with the criteria listed herein. An unsatisfactory rating in any one category above **may** be considered sufficient cause to deny prequalification to an Applicant.
- 4.3.2 Prior to the issuance of a written determination to deny prequalification, the County will notify the Applicant in writing of the results of the evaluation and disclose the basis thereof. Upon written request, the Applicant may inspect public documents, which relate to the determination, if so requested by the Applicant within five (5) business days after receipt of the County's notice. Within ten (10) business days after receipt of the County's notice concerning the Applicant's prequalification, the Applicant may submit additional or rebuttal information relative to deficiencies stated in the County's written notice. Within five (5) business days after receipt of Applicant's rebuttal information, the County will provide a written determination.
- 4.3.3 If a final determination is made to deny prequalification, the Applicant may, within ten (10) days after notification of such determination, notify the County in writing and appeal to the Circuit Court of Loudoun County, Virginia, in accordance with the pertinent provisions of the Virginia Public Procurement Act. The County's determination may be reversed by the Loudoun County Circuit Court only if the Applicant establishes that the determination was arbitrary or capricious or not in accordance with the Constitution of Virginia, statutes or regulations. In the event that the County's determination is reversed by the Circuit Court, the sole relief will be the declaration of the Applicant as prequalified to bid. Other than an appeal in accordance with this Section, a determination that an Applicant is "not qualified to bid" shall not be the basis for any claim against the County, its officers, members or employees.
- 4.3.4 If this prequalification process results in less than five (5) prequalified firms, the County reserves the right to cancel the prequalification process and issue an Invitation for Bid with minimum qualifications in lieu of applying the prequalification. The County in its sole discretion will determine whether to proceed with the application of the prequalification process or not.

5.0 **CONTENTS OF THE PREQUALIFICATION APPLICATION**

This Section describes specific information that must be included in the Prequalification Application.

Applicants shall provide each of the following items below in the order presented. Failure to include any of the requested information may be cause for the Prequalification Application to be considered non-responsive and rejected.

5.1 Signature Page (Page 16, 17 & 18)

5.2 Documents. Include required documents but not limited to:

- A. Proof of Authority to Transact Business Form (Page 19)
- B. Addenda, if any
- C. W-9 and Insurance Certificate
- D. "How did you Hear" form on Page 20
- E. Affidavit of Accuracy, Notarized (Attachment 2).
- F. USB Flash drive containing PDF file of Prequalification Application

5.3 Table of Contents

5.4 Letter of Submittal

- A. The Letter of Submittal shall be on the Applicant's letterhead and identify the full legal name and address of the Applicant. The Applicant is defined as the legal entity who will execute the Contract with the County for the construction of the New Loudoun County Juvenile Detention Center. The Letter of Submittal shall be signed by an authorized representative of Applicant's organization. All signatures on the original Letter of Submittal shall be original and signed in ink.
- B. Identify the name, title, address, phone and fax numbers, and e-mail address of an individual who will serve as the point of contact for the Applicant.
- C. Identify the name, address, and telephone number of the individual who will serve as the Principal Officer of the Applicant. (e.g., President, Treasurer, Chairperson of the Board of Directors, etc.).
- D. Identify whether the Applicant will be structured as a corporation, Limited Liability Company, general partnership, joint venture, limited partnership, or other form of organization. Identify the team members who will undertake financial responsibility for the Project and describe any liability limitations. If the Applicant is a limited liability company, partnership or joint venture, describe the bonding approach that will be used and the members of such organizations who will have joint and several liability for the performance of the work required for the Project. A single 100% performance bond and a single 100% payment bond shall be provided regardless of any co-surety relationship.
- E. Provide a brief history of your firm to include how many years Applicant has been in business as a construction contractor under its present name and identify other business names used and how long they were in effect. Provide a copy of the Applicant's current

organization chart showing numbers of employees by discipline and project and the names and titles down through Project Field Superintendent.

Failure to comply with the law with regard to those legal requirements in Virginia (whether federal or state) regarding your organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature may render your application, in the sole and reasonable discretion of the County, non-responsive and in that event your application may be returned without any consideration or evaluation.

- 5.5 Verification of Bonding Capability. Include a letter from a surety or insurance company (with a Best's Financial Strength Rating of A or better and Financial Size Category VII or higher by A.M. Best Co.) stating that the Applicant is capable of obtaining a performance and payment bond based on the current estimated contract value for the construction of the new Loudoun County Juvenile Detention Center (\$18,000,000), which bonds will cover the Project and any warranty periods. The letter of surety shall clearly state the rating categorization noted above and reference the estimated contract value as identified in herein, in a manner similar to the notation provided below:

"As surety for [the above named Contractor], [XYZ Company] with A.M. Best Financial Strength Rating [rating] and Financial Size Category [Size Category] is capable of obtaining 100% Performance Bond and 100% Labor and Materials Payment Bond in the amount of the anticipated cost of construction, and said bonds will cover the Project and any warranty periods as provided for in the Contract Documents on behalf of the Contractor, in the event that such firm be the successful bidder and enter into a contract for this Project." This letter shall also state the Applicants per project and total bonding program limits and that the Surety is authorized/licensed to do business in the Commonwealth of Virginia.

- 5.6 Management Skills and Experience. In order to be Pre-Qualified, the Applicant must present evidence that they have the appropriate experience to construct a local government detention/correctional facility of the size and scope planned by the County. In that regard, each applicant shall provide the following information:

- A. Detailed descriptions of detention/correctional facilities projects for which the applicant has served as the General Contractor that have been completed within fifteen (15) years from the date of this solicitation that demonstrate successful construction experience.

A successfully completed project shall mean: 1) that the project was completed within the contract time, including any owner-approved time extensions, 2) that the project was completed at or below the contract award amount, including any subsequent owner-approved

cost change orders, and 3) that the project was completed in accordance with the contract documents.

Each project description should include as a minimum:

1. Name and location of project
2. Project description of sufficient detail to allow determination of projects size and scope to include structural elements involved in the project.
3. Identify and describe similar characteristics to the County's planned Juvenile Detention Facility.
4. Construction contract costs, initial and final.
5. Number and value of Change Orders
6. Contract completion date and actual final completion date.
7. List of major subcontractors.
8. Name of the project manager and Superintendent who had direct responsibility for the project.
9. Photographs that clearly show the work.
10. Names, addresses, current phone numbers, and e-mail addresses of architects and owners.

Applicant hereby releases listed references from all claims and liability for damages that may result from the information provided by the reference.

- B. A description of the management system and scheduling techniques that will be employed to assure that this project is constructed on schedule with sufficient quality control and safety management systems.
- C. A copy of certificate verifying that Applicant has a valid Commonwealth of Virginia Class A Contractors License.
- D. A list of additional similar projects above \$6,000,000 regardless of whether they are correctional facilities that demonstrate depth of experience and demonstrate the ability to manage complex construction projects. Project list should include a brief project description to include the construction contract final cost and date of completion. This list can include projects other than detention/correctional facilities that are older than fifteen (15) years and renovations.

- 5.7 Applicant History Regarding Safety. Application shall provide a list of Federal Occupational Safety and Health Administration (OSHA) safety violations within three (3) years from the due date of the prequalification application or clearly state that the applicant has not had any safety violations.

6.0 INSTRUCTIONS FOR SUBMITTING PREQUALIFICATION APPLICATION

6.1 Preparation and Submission of Applications

- A. Before submitting your Prequalification Application, read the ENTIRE solicitation. Failure to read any part of this solicitation will not relieve an applicant of the Contractual obligations.
- B. All Prequalification Applications must be submitted to the Division of Procurement in a sealed container. The face of the sealed container shall indicate the RFQ number, time and date of opening and the title of the RFQ.
- C. All Prequalification Applications shall be signed in ink by the individual or authorized principals of the firm.
- D. All attachments to the Prequalification Application requiring execution by the applicant are to be returned with the Prequalification Application.
- E. Prequalification Applications must be received by the Division of Procurement prior to 4:00 p.m., local Atomic time on date identified on the cover of this RFQ. An atomic clock is located in the Division of Procurement and can also be verified by visiting <http://www.time.gov/>. Requests for extensions of this time and date will not be granted, unless deemed to be in the County's best interest. Applicants mailing their Prequalification Application shall allow for sufficient mail time to ensure receipt of their Application by the Division of Procurement by the time and date fixed for acceptance of the applications. Prequalification Applications or unsolicited amendments to Prequalification Applications received by the County after the acceptance date and time will not be considered. Prequalification Applications will be publicly accepted and logged in at the time and date specified above.
- F. The Prequalification Applications may be submitted via one of the following options: US Mail to PO Box 7000, Leesburg, Virginia 20177-7000; or hand delivered or private carrier (UPS/FedEx) to the Division of Procurement, 1 Harrison Street, S.E., 4th Floor, Leesburg, Virginia 20175. Faxed and e-mailed Prequalification Applications will not be accepted. (Please note: Applicants choosing to submit their Prequalification Application via US Mail should allow at least an additional twenty-four (24) hours in the delivery process for internal County mailroom distribution.).
- H. Each applicant shall submit one (1) original and six (6) copies of their Prequalification Applications to the County's Division of Procurement as indicated on the cover sheet of this RFP. Each applicant shall also submit one single PDF file of their entire Prequalification Application on a USB Flash drive.

6.2 Questions and Inquiries

Questions and inquiries, both oral and written, will be accepted from any and all applicants. However, when requested, complex oral questions shall be submitted in writing. The Division of Procurement is the sole point of contact for this solicitation unless otherwise instructed herein. Unauthorized contact with other Loudoun County staff regarding the Prequalification Application may result in the disqualification of the applicant. **Inquiries pertaining to the Prequalification Application must give the RFQ number, time and date of opening and the title of the RFQ.** Material questions will be answered in writing with an Addendum provided, however, that all questions are received **by 5:00 p.m. December 3, 2019.**

It is the responsibility of all applicants to ensure that they have received all addenda and to include signed copies with their application. Addenda can be downloaded from www.loudoun.gov/procurement.

6.3 Authority to Bind Firm in Contract

Prequalification Applications MUST give full firm name and address of applicant. Failure to manually sign application may disqualify it. Person signing application will show TITLE or AUTHORITY TO BIND THE FIRM IN A CONTRACT. Firm name and authorized signature must appear on application in the space provided on the pricing page. Those authorized to sign are as follows:

If a sole proprietorship, the owner may sign.

If a general partnership, any general partner may sign.

If a limited partnership, a general partner must sign.

If a limited liability company, a "member" may sign or "manager" must sign if so specified by the articles or organization.

If a regular corporation, the CEO, President or Vice-President must sign.

Others may be granted authority to sign but the County requires that a corporate document authorizing him/her to sign be submitted with application.

6.4 Withdrawal of Prequalification Application

- A. All Prequalification Applications submitted shall be valid through the completion of the construction contract.
- B. Prequalification Applications may be withdrawn on written request from the applicant at the address shown in the solicitation prior to the time of acceptance.
- C. Negligence on the part of the applicant in preparing the Prequalification Application confers no right of withdrawal after the time fixed for the acceptance of the applications.

6.5 Late Prequalification Applications

LATE Prequalification Applications will be returned to applicant UNOPENED, if RFQ number, acceptance date and Applicants' return address is shown on the container.

6.6 County Not Obligated for Costs of Application

The County assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to Prequalification Application. All of such costs shall be borne solely by each Applicant and its team members.

6.7 Miscellaneous Requirements

- A. All Prequalification Applications shall provide a straight-forward, concise delineation of the Applicant's capabilities to satisfy the requirements of this request. Emphasis should be on completeness and clarity of content.
- B. Applicants who submit a Prequalification Applications in response to this RFQ may be required to make an oral presentation of their Prequalification Applications. The Division of Procurement will schedule the time and location for this presentation.
- C. Selected contents of the Prequalification Applications submitted by the successful Applicant and this RFQ will become part of any construction contract awarded as a result of the Prequalification Application contained herein.
- D. The County reserves the right to reject any and all Prequalification Applications received by reason of this request.

6.8 Protest

Applicant may refer to §§ 2.2-4357 through 2.2-4364 of the Code of Virginia to determine their remedies concerning this prequalification's process. Protests shall be submitted to the Director, Finance and Procurement.

6.9 Debarment

By submitting an application, the applicant is certifying that they are not currently debarred by the County, or in a procurement involving federal funds, by the Federal Government. A copy of the County's debarment procedure in accordance with § 2.2-4321 of the Code of Virginia is available upon request.

6.10 Legal Action

No applicant or potential applicant shall institute any legal action until all statutory requirements have been met.

6.11 W-9 Form Required

Applicant shall submit a completed W-9 form with their bid. In the event of Contract award, this information is required in order to issue purchase orders

and payments to your firm. A copy of this form can be downloaded from <http://www.irs.gov/pub/irs-pdf/fw9.pdf>.

6.12 Insurance Coverage

Applicants shall include with their bid a copy of their current Certificate of Insurance that illustrates the current level of coverage the applicant carries. The Certificate can be a current file copy and does not need to include any “additional insured” language for the County.

7.0 TERMS AND CONDITIONS

7.1 Additional Qualifications

The County reserves the right to impose additional Minimum Qualifications above and beyond those requirements contained herein on the Invitation for Bid for the Construction of the New Loudoun County Juvenile Detention Center. **The Contract Documents will contain minimum qualification requirements for the Superintendent, the Project Manager and the Quality Control Manager that will be assigned to the project. Applicant will be required to provide evidence that they meet these requirements as part of the pre-construction meeting submittals.**

7.2 Licensure

To the extent required by the Commonwealth of Virginia (see e.g. 54.1-1100 *et seq.* of the Code of Virginia) or the County, the Applicant shall be duly licensed to perform the services required to be delivered pursuant to this Contract.

7.3 Authority to Transact Business in Virginia

An Applicant organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law. Any business entity described herein that enters into a Contract with the County pursuant to the Virginia Public Procurement Act 2.2-4300 *et seq.* shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50 of the Code of Virginia, to be revoked or cancelled at any time during the term of the Contract. The County may void any Contract with a business entity if the business entity fails to remain in compliance with the provisions of this section.

7.4 Compliance with the Law in Virginia

Failure to comply with the law with regard to those legal requirements in Virginia (whether federal or state) regarding your ability to lawfully offer and perform any services proposed or related to the Project may render your Prequalification Application, in the sole and reasonable discretion of the

County, non-responsive and/or non-responsible, and in that event your Prequalification Application may be returned without any consideration or evaluation for selection of contract award.

All Applicants must at the time of their Prequalification Application submittal comply with the law and nothing herein is intended to contradict, nor supersede, any applicable State and Federal laws and regulations. All Applicants shall be eligible at the time of their Prequalification Application, under the law and relevant regulations, to offer and to provide all services proposed and related to the Project. Unless exempted by §§ 54.1-401, 54.1-402, or 54.1-402.1 of the *Code of Virginia*, any person, partnership, corporation, or other entity offering or practicing architecture, engineering, or land surveying shall be registered or licensed in accordance with the provision of *Chapter 4, Title 54.1 of the Code of Virginia*. Applicants shall satisfy at the time of their Prequalification Application submittal all commercial and professional registration requirements, including, but not limited to the requirements of the State Corporation Commission and the Department of Professional and Occupational Regulations.

7.5 Governing Law/Forum

This Prequalification process shall be governed and construed in all respects by its terms and by the laws of the Commonwealth of Virginia, without giving effect to its conflicts of law provisions. Any judicial action shall be filed in the Commonwealth of Virginia, County of Loudoun or if jurisdiction exists, in the U.S. District Court for the Eastern District of Virginia in Alexandria. Applicant expressly waives any objection to venue or jurisdiction of the Loudoun County Circuit Court, Loudoun County, Virginia. Applicant expressly consents to waiver of service of process in an action pending in the Loudoun County Circuit Court pursuant to Virginia Code Section 8.01-286.1.



Loudoun County, Virginia

Division of Procurement
One Harrison Street, 4th Floor
Leesburg, Virginia 20175

8.0 PREQUALIFICATION SUBMISSION FORMS

PREQUALIFICATION FOR THE CONSTRUCTION OF THE NEW LOUDOUN COUNTY JUVENILE DETENTION CENTER

THE FIRM OF: _____

Address: _____

FEIN _____

I understand that the omission of any items listed below from this prequalification application may be cause for rejection of the application as non-responsive. I have ensured that I have received and acknowledged any and all Addenda.

- A. Trade secrets or proprietary information submitted by an Applicant in connection with this prequalification process shall not be subject to disclosure under the Virginia Freedom of Information Act; however, **pursuant to Section 2.2-4342 of the Code of Virginia, the Applicant must invoke the protections of this section prior to or upon submission of the data or other materials, and must clearly identify the data or other materials to be protected and state the reasons why protection is necessary. Failure to abide by this procedure may result in disclosure of the Applicant's information.**

☐ By checking this box, Applicant confirms that all information submitted with this Application shall be considered a trade secret or proprietary information subject to the provisions of 2.2-4342 of the Code of Virginia.

- B. Judgments. Has the applicant or any officer, director, or owner thereof had judgments entered against him/her within the past ten (10) years for the breach of contracts for governmental or non-governmental projects, including, but not limited to, design-build or construction management.

Please check one box: ☐ Yes ☐ No

If yes, provide details on Applicant's letterhead signed by an individual with the authority to bind the firm in a contract per 6.3.

- C. Non-Compliance. Has the applicant been in substantial non-compliance with the terms and conditions of prior construction contracts with the County or another public body without good cause?

Please check one box: ☐ Yes ☐ No

If yes, provide details on Applicant's letterhead signed by an individual with the authority to bind the firm in a contract per Section 6.3.

- D. Convictions. Has 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 governmental or non-governmental construction or contracting, including, but not limited to a violation of the Loudoun County Purchasing policy, the Ethics in Public Contracting provisions of the Virginia Public Procurement Act (§ 2.2-4367 et seq.), the Virginia Governmental Frauds Act (§ 18.2 -498.1 et seq.), Chapter 4.2 (§ 59.1 -68.6 et seq.) of Title 59.1, or any substantially similar law of the United States or another state.

Please check one box: ☐ Yes ☐ No

If yes, provide details of any such convictions on Applicant's letterhead signed by an individual with the authority to bind the firm in a contract per Section 6.3.

- E. Debarment. Is the Applicant or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government.

Please check one box: ☐ Yes ☐ No

If yes, provide details of any such convictions on Applicant's letterhead signed by an individual with the authority to bind the firm in a contract per Section 6.3.

- F. Failure to provide the following items with your application may be cause for rejection of your application as non-responsive and/or non-responsible. It is the responsibility of the applicant to ensure that it has received all addenda and to include signed copies with their application.

ITEM:	INCLUDED: (X)
1. Addenda, if any:	_____
2. W-9 Form (6.11):	_____
3. Certificate of Insurance (6.12):	_____
4. Proof of Authority to Transact Business in Virginia Form (Page 19):	_____
5. Prequalification Application (5.0):	
a. One (1) original and six (6) copies per 6.1H	_____
b. PDF file of Prequalification Application	_____
c. Notarized Affidavit of Accuracy (Attachment 2)	_____

Person to contact regarding this application:_____

Title:_____ Phone:_____ Fax:_____

E-mail:_____

Name of person authorized to bind the Firm (6.3):_____

Signature:_____ Date:_____

By signing and submitting an application, your firm acknowledges and agrees that it has read and understands the RFQ documents and that your Firm is not currently Debarred by a local or state government or the Federal Government.



Loudoun County, Virginia

www.loudoun.gov/procurement

Department of Finance and Procurement

Division of Procurement

1 Harrison Street, S.E., 4th Floor, Leesburg, VA 20175

PROOF OF AUTHORITY TO TRANSACT BUSINESS IN VIRGINIA

THIS FORM MUST BE SUBMITTED WITH YOUR APPLICATION. FAILURE TO INCLUDE THIS FORM SHALL RESULT IN REJECTION OF YOUR APPLICATION

Pursuant to Virginia Code §2.2-4311.2, a bidder/offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 of the Code of Virginia shall include in its bid/ proposal the identification number issued to it by the State Corporation Commission ("SCC"). Any bidder/offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law shall include in its bid or proposal a statement describing why the offeror is not required to be so authorized. Any bidder/offeror described herein that fails to provide the required information shall not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the Purchasing Agent or his designee.

If this bid/proposal for goods or services is accepted by the County of Loudoun, Virginia, the undersigned agrees that the requirements of the Code of Virginia Section 2.2-4311.2 have been met.

Please complete the following by checking the appropriate line that applies and providing the requested information. **PLEASE NOTE: The SCC number is NOT your federal ID number or business license number.**

A. _____ Bidder/offeror is a Virginia business entity organized and authorized to transact business in Virginia by the SCC and such bidder's/offeror's Identification Number issued to it by the SCC is _____.

B. _____ Bidder/offeror is an out-of-state (foreign) business entity that is authorized to transact business in Virginia by the SCC and such bidder's/offeror's Identification Number issued to it by the SCC is _____.

C. _____ Bidder/offeror does not have an Identification Number issued to it by the SCC and such bidder/offeror is not required to be authorized to transact business in Virginia by the SCC for the following reason(s):

Please attach additional sheets of paper if you need to explain why such bidder/offeror is not required to be authorized to transact business in Virginia.

Legal Name of Company (as listed on W-9)

Legal Name of Bidder/Offeror

Date

Authorized Signature

Print or Type Name and Title

HOW DID YOU HEAR ABOUT THIS SOLICITATION?

RFQ 121782

Please take the time to mark the appropriate line and return with your application.

<input type="checkbox"/> Associated Builders & contractors	<input type="checkbox"/> Loudoun Times Mirror
<input type="checkbox"/> Bid Net	<input type="checkbox"/> Our Web Site
<input type="checkbox"/> Builder's Exchange of Virginia	<input type="checkbox"/> NIGP
<input type="checkbox"/> Email notification from Loudoun County	<input type="checkbox"/> The Plan Room
<input type="checkbox"/> Dodge Reports	<input type="checkbox"/> Reed Construction Data
<input type="checkbox"/>	<input type="checkbox"/> Tempos Del Mundo
<input type="checkbox"/> India This Week	<input type="checkbox"/> Valley Construction News
<input type="checkbox"/> LS Caldwell & Associates	<input type="checkbox"/> Virginia Business Opportunities
<input type="checkbox"/> Loudoun Co Small Business Development Center	<input type="checkbox"/> VA Dept. of Minority Business Enterprises
<input type="checkbox"/> Loudoun Co Chamber of Commerce	<input type="checkbox"/> RAPID

☐ Other _____

SERVICE RESPONSE CARD

RFQ 121782

Date of Service: _____

How did we do?

Please let us know how we did in serving you. We'd like to know if we are serving you at an acceptable level.

How would you rate the way your request for this document was handled?

Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor ☐

Did you have contact with Procurement staff? ☐

How would you rate the manner in which you were treated by the Procurement staff?

Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor ☐

How would you rate the overall response to your request?

Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor ☐

COMMENTS: _____

Thank you for your response!

We can better assess our service to *you* through feedback from *you*.

Your Name: _____

Address: _____

Phone: _____ (day) _____ evening

**Please return completed form to: Patty Cogle • Procurement •
PO Box 7000 • Leesburg, VA 20177**