

**Department of
Transportation &
Infrastructure**

**Department of
Aviation**

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**Rules and Regulations
Prequalification of
Construction Contractors**



Approvals

Executive Director, Department of Transportation & Infrastructure

Chief Executive Officer of the Department of Aviation

Attorney for the City & County of Denver

Date of Final Signature/Effective Date: _____

CITY AND COUNTY OF DENVER, COLORADO
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE AND DEPARTMENT OF AVIATION

**RULES AND REGULATIONS GOVERNING
THE PREQUALIFICATION OF
CONSTRUCTION CONTRACTORS**

TABLE OF CONTENTS

<u>CHAPTER 1</u>	<u>GENERAL PROVISIONS</u>	PAGE
<u>SECTIONS</u>		
1.01	Authority	1
1.02	Effective Date	1
1.03	Amendment	1
1.04	Severability	1
1.05	City Control	1
1.06	Definitions	1
<u>CHAPTER 2</u>	<u>PREQUALIFICATION OVERVIEW</u>	
<u>SECTIONS</u>		
2.01	Purpose of this Rule	3
2.02	Definition of Contractor Prequalification	3
2.03	Applicability of Prequalification	3
2.04	Project-Specific Prequalification Requirements	3
2.05	Exemptions to Prequalification Requirements	3
2.06	Application Process	3
<u>CHAPTER 3</u>	<u>PREQUALIFICATION WORK CATEGORIES</u>	
<u>SECTIONS</u>		
3.01	Work Categories Overview and Table	4
3.02	Modifications to Categories	7
3.03	Prequalification in Multiple Categories	7
<u>CHAPTER 4</u>	<u>FINANCIAL LEVELS OF PREQUALIFICATION</u>	
<u>SECTIONS</u>		
4.01	Financial Levels Assigned to Prequalified Contractors	7
4.02	Financial Levels and Required Financial Statements	7
4.03	Types of Financial Statements	7
4.04	Project-Specific Information	8
<u>CHAPTER 5</u>	<u>PREQUALIFICATION EVALUATION CRITERIA</u>	
<u>SECTIONS</u>		
5.01	Debarment, Suspension, or Revocation History	8
5.02	Financial and Bonding Capacity	8
5.03	Technical Competence and Past Performance	9
5.04	Formal Contractor Performance Reviews with the City	10
5.05	Qualifications and Relevant Experience of Key Personnel	10
5.06	Safety Record	11

TABLE OF CONTENTS

<u>CHAPTER 5</u>	<u>PREQUALIFICATION CRITERIA</u>	PAGE
<u>SECTIONS</u>		
5.07	Obligations to the City	11
5.08	Legal History and Litigation	11
5.09	Accuracy and Completeness of the Contractor’s Application	12
<u>CHAPTER 6</u>		
<u>SECTIONS</u>		
6.01	Application Submission Requirements	12
6.02	Application Forms and Required Information	12
6.03	Incomplete Applications	12
6.04	Public Records	12
<u>CHAPTER 7</u>		
<u>SECTIONS</u>		
7.01	Prequalification Requirement for Joint Ventures	13
7.02	Application Process for Joint Ventures	13
7.03	Submission of Joint Venture Agreement	13
7.04	Prequalification Status of Joint Venture Members	13
7.05	Criteria for Joint Venture Prequalification	13
7.06	Determining Financial Capability of Joint Ventures	14
<u>CHAPTER 8</u>		
<u>SECTIONS</u>		
8.01	Duration of Prequalification	14
8.02	Timeliness of Application Responses	14
8.03	Prequalification Renewal	14
8.04	Standards for Renewal	14
8.05	Changes to Prequalification Status	14
8.06	Reporting Requirements	15
<u>CHAPTER 9</u>		
<u>SECTIONS</u>		
9.01	Reasons for Denying Prequalification	15
9.02	Grounds for Revoking or Suspending Prequalification	15
9.03	Procedures for Denial, Suspension, or Revocation	16
9.04	Exceptions to Procedures	16
9.05	Reapplication After Denial or Suspension	16
9.06	Effect of Debarment under § 20-77, D.R.M.C.	16
<u>CHAPTER 10</u>		
<u>SECTIONS</u>		
10.01	Collaborative Administration	16
10.02	Prequalification Board Responsibilities	16
10.03	Executive Authority	17
10.04	Composition of the Board	17
10.05	Board Meeting Protocols	17
10.06	Board Verification and Documentation Requirements	17

CHAPTER 1: GENERAL PROVISIONS

Section 1.01 Authority

These Rules and Regulations are adopted and issued by the Executive Director of the Department of Transportation and Infrastructure (referred to as the "Executive Director of DOTI") and the Chief Executive Officer of the Department of Aviation (referred to as the "CEO of Aviation"). These two appointees are collectively referred to as "Managers." These Rules are adopted by the Managers by the authorities granted to the Managers under Parts 3 and 11 of Article II of the City and County of Denver Charter. Notwithstanding the limitations contained below on some Federal Highway Administration ("FHWA") projects, these Rules are applicable to all citywide construction-related procurements valued at \$1 million or more and are inclusive of when the Department of Transportation and Infrastructure ("DOTI") is a direct recipient of federal aid. Additionally, the City, through its Department of Aviation ("DEN"), is subject to any applicable Federal Aviation Administration ("FAA") regulations and grant assurance obligations. When DOTI is a subrecipient of FHWA grant funds, it may be subject to the requirements of 23 CFR 635.110. The City, at its sole discretion, may waive these Rules for projects in which DOTI is a subrecipient of FHWA funds. If the City decides to waive these Rules, it shall state so in each project procurement.

Section 1.02 Effective Date

These Rules take effect upon final adoption and supersede all previous Rules and Regulations that may conflict with them. A copy of these Rules is filed with the Clerk and Recorder, Ex Officio Clerk of the City and County of Denver, and another copy is maintained with the Attorney for the City and County of Denver.

Section 1.03 Amendment

These Rules may be modified, amended, or supplemented periodically. Such changes shall be binding and take effect on the date of filing and publication per Chapter 2, Article VI of the Revised Municipal Code of the City and County of Denver.

Section 1.04 Severability

If any provision of these Rules or its application to any person or circumstance is found invalid, that invalidity shall not impact on the validity of any other provision or application. Accordingly, the various provisions of these Rules are deemed to be severable.

Section 1.05 City Control

Notwithstanding any comity extended to governmental agencies or others, neither the City and County of Denver nor its officers or employees shall be restricted in exercising their lawful powers.

Section 1.06 Definitions

In addition to the definitions provided in the Revised Municipal Code of the City and County of Denver, the terms defined in this section shall have the meanings ascribed to them herein unless the context indicates otherwise.

The City and County of Denver: Rules for the Prequalification of Construction Contractors

- A. **Applicant:** A contractor or joint venture seeking prequalification pursuant to these Rules, or a prequalified contractor seeking to bid or propose as the prime contractor on a construction contract requiring prequalification.
- B. **Aviation:** Aviation refers to the Department of Aviation, also known as the Denver International Airport, DEN.
- C. **Bid:** includes proposals; bidding refers to submitting a proposal, and invitations for bids encompass requests for proposals unless the context indicates otherwise.
- D. **Bidder:** A contractor or proposer that submits a bid.
- E. **Board** Refers to the Prequalification Board, a staff working group established by this Rule.
- F. **Certified Public Accountant (CPA):** A CPA, or Certified Public Accountant, is a professional who has passed the CPA exam and met other state requirements for certification.
- G. **City:** The City and County of Denver.
- H. **Contract:** A construction contract.
- I. **Contractor:** Any business entity, corporation, limited liability company, partnership, sole proprietorship, or otherwise engaged in the construction industry.
- J. **Debt:** An amount owed to a person or organization for borrowed funds, represented by instruments such as loan notes, bonds, mortgages, or similar agreements stating repayment terms and interest obligations.
- K. **Financial Level:** The approved financial threshold granted to a contractor based on specific work categories.
- L. **Financial Statement:** Financial statements are prepared according to generally accepted accounting principles and provide a comprehensive report of the contractor's financial resources and liabilities.
- M. **Joint Venture:** Means an association of two or more contractors pooling their resources, skills, and knowledge to bid on and perform contracts, with each contractor jointly and severally liable for all associated obligations.
- N. **Letter of Guarantee:** A letter from a parent company committing to its subsidiary's payment and performance obligations.
- O. **Net Worth:** Means the difference between total assets and liabilities.
- P. **Project:** Any work procured by the City and County of Denver.
- Q. **Quick Assets:** Cash plus accounts receivable, minus current liabilities.
- R. **Responsible Contractor:** A contractor that meets specific criteria ensuring reliability and capability in executing contracts.
- S. **Revocation:** Terminating a contractor's or joint venture's prequalification status for submitting bids to the City for contracts requiring prequalification.
- T. **Suspension:** The temporary termination of a contractor's or joint venture's prequalification for a specified period, preventing them from submitting bids to the City for contracts requiring prequalification.
- U. **Working Capital:** Current assets minus current liabilities.

CHAPTER 2: PREQUALIFICATION OVERVIEW

Section 2.01 Purpose of this Rule

This rule assesses the experience, skills, performance, risk profile, safety practices, and financial resources of companies bidding on significant construction contracts administered by DOTI or DEN. This evaluation ensures that contracts are awarded solely to responsible and qualified contractors, per the City Charter.

Section 2.02 Definition of Contractor Prequalification

Prequalification approval enables contractors to bid on construction contracts that meet Section 2.03 requirements. Each approval is accompanied by assigned financial levels specific to the work category. Depending on the approved category, a contractor may be prequalified at varying financial levels.

Section 2.03 Applicability of Prequalification

A contractor or joint venture must be prequalified to submit a bid on the following projects:

1. Construction procurements with an estimated total project value of \$1 million or higher.
2. Any contract valued under \$1 million, regardless of the specific amount, which contains prequalification requirements established by the Managers in the procurement. This applies in cases where the project's complexity or technical competency requirements warrant such measures.

Section 2.04 Project-Specific Prequalification Requirements

The City will outline the prequalification requirements in the solicitation documents for each project, specifying the relevant work categories and financial levels.

Section 2.05 Exceptions to Prequalification Requirements

1. Prequalification is not required for subcontractors unless stated otherwise in the procurement documents.
2. For alternate project delivery methods, including on-call construction contracts, the required prequalification level on project-specific procurements may be lower than the maximum contract amount.

Section 2.06 Application Process

1. Contractor Application. To achieve prequalification, a contractor must submit a comprehensive application and obtain approval from the Prequalification Board.
2. Joint Venture Application. If a joint venture intends to submit a bid, it must apply separately for prequalification for each procurement. Any prequalification granted to a joint venture applies only to that specific procurement. See Chapter 7.

3. **Project-Specific Application.** The solicitation documents will specify the deadline for submitting prequalification applications. Applications must be submitted ten (10) days before the bid opening if no deadline is indicated.

CHAPTER 3: PREQUALIFICATION WORK CATEGORIES

Section 3.01 Work Categories Overview and Table

The following are the main categories of work for which a contractor may be prequalified.

<p>1. CIVIL</p>
<p>1A. Heavy Civil</p> <p>To become prequalified in Heavy Civil, the applicant must demonstrate work in at least three of the six categories listed below as 1B-1G. The work performed in each of the three categories must be less than 50% of the final contract amount to qualify for Heavy Civil. If any single category among 1B-1G accounts for 50% or more of the final contract amount, the project will be classified according to that predominant category.</p>
<p>1B. Excavation and Grading</p> <p>Excavating and grading within or on areas adjacent to the public right-of-way.</p> <p>Excavation includes trenching, ditch construction, earth-moving, mass excavation, import/export, and complete in-place.</p> <p>Grading includes cutting and filling slopes, soil leveling, land shaping, over-lot grading, construction pads, roadway shoulders, intersection grading, backfill for structures and foundations, and minor surface drainage.</p> <p>Category 1B does not include landscape grading specific to work covered under 1C or 1E-3, which is specific to channels and ponds.</p>
<p>1C. Landscape Improvements</p> <p>The improvement of parks, trails, athletic fields, courts, irrigation systems, playgrounds, and open spaces. This includes minor demolition, excavation and grading, drainage, restoration, and planting associated with minor structures, walks, plazas, parking lots, fencing, and installation of site amenities.</p>
<p>1D. Utilities (Other than Sewer)</p> <p>1D-1. Traffic Signals, Lighting, and ITS</p> <p>Construction, operation, and maintenance of traffic signals, lighting, and intelligent transportation systems.</p> <p>1D-2. Telecommunications</p> <p>Construction, operation, and maintenance of wired and wireless components for voice, data, video, fiber, computer equipment, and communication network systems.</p>

1E. Sewer

1E-1. Pump Stations and Force Mains

Storm and sanitary sewer pump/lift stations, force mains, wet wells, and associated infrastructure. This category excludes gravity storms, sanitary sewer work, potable and reused water lines, or associated infrastructure.

1E-2. Sewer Rehabilitation

Sanitary or storm sewer infrastructure rehabilitation using trenchless technology. This includes cured-in-place pipe (CIPP), slip lining, thermoformed pipe, pipe bursting, spin casting, and other rehabilitation methods specific to storm and sanitary infrastructure utilizing resin, epoxy, cementitious, and fiberglass products.

1E-3. Sewer, Open Channel, Wetlands, Green Infrastructure, and Ponds

Open channel drainage, detention ponds, green infrastructure, water quality features, boulder rundowns, outfalls, channel edging, and appurtenances. This includes work associated with improvements to rivers, gulches, open channels, wetlands, and detention/retention ponds; construction of storm and sanitary pipe systems; and construction of major landscape and irrigation work.

1E-4. Piped Sewer

Piped public, gravity sewer systems (rigid or flexible pipe), and appurtenances. Includes storm and/or sanitary systems installed using open cut or tunneling and jacking methods and associated infrastructure. This category does not include potable and reuse water lines or associated facilities work, wastewater treatment plants, or forced/pressure sewer systems covered under 1E-1.

1F. Roadway and Paving

1F-1. Asphalt

Paving and milling, including heater repaving, of streets, alleys, and parking lots. and/or related paving. It also includes laying asphalt curbs and driveways, constructing curb cuts, installing minor drainage structures, and all incidental work necessary by said paving, including minor excavation and grading.

1F-2. Concrete Roadway Paving

Concrete streets, alleys, parking lots, and/or related paving systems and concrete panel replacement. This includes associated excavation, base course, and surface prep work.

1F-3. Concrete Sidewalk, Curb, Gutter, and ADA Ramps

New concrete sidewalk, curb, gutter, and/or handicap ramps. It also includes cross pans, gutter overlay, driveways, construction curb cuts, installation of minor drainage structures, minor excavation and grading, and incidental work necessitated by the concrete work.

1F-4. Asphalt Pavement Rehabilitation

Chip seal, slurry seal, hot-in-place recycling, cape seal, patching, curb repair, utility cut repair, driveway approach repair and modification, and crack sealing.

1F-5. Concrete Pavement Rehabilitation

Concrete pavement diamond grinding, spall repairs, hydraulic panel leveling, route and seal, partial panel replacement, sidewalk and panel replacement, curb and gutter repair and replacement, joint sealing, surface sealing, joint repair, and replacement. Experience using CDOT Class E concrete (6hr, 12hr...) in panel replacement.

1G. Bridge Work

Construction of new bridges and rehabilitation or demolition of existing structures. This category applies to pedestrian bridges, underpasses, vehicular bridges, and retaining walls (replacement or rehabilitation). The work may be complex and, therefore, include railroads and highway crossings, tunnels, and other items with architectural significance.

<p>2. BUILDINGS</p>
<p>2A. General Building - Unoccupied Buildings General Contractor managing construction work on existing or new public buildings that are unoccupied throughout the project but will be occupied once construction is complete.</p>
<p>2B. General Building - Occupied Buildings General Contractor managing construction work on public buildings in which the predominant portion must remain functional throughout the project. Functional activities include, but are not limited to, facility access, security, uninterrupted utilities, sequencing and/or transitioning of current and future occupants, and all emergency response functions.</p>
<p>2C. Building Demolition Demolition of buildings and associated facilities.</p>
<p>2D. Electrical Constructing, installing, replacing, and renovating electrical systems.</p>
<p>2E. Mechanical Constructing, reconstructing, modifying, installing, and replacing mechanical systems in public structures.</p>
<p>2F. Roofing Installing and replacing roofing.</p>
<p>3. AIRPORT</p>
<p>3A. Millwright Installation, movement, and/or reassembling of equipment and machinery primarily related to jet bridges, baggage systems, and other steel fabrications.</p>
<p>3B. Baggage Handling System (BHS) Installation and repair of equipment, machinery, and controls related to airport baggage handling systems at CAT X airports.</p>
<p>3C. Concrete Airfield Paving Concrete runways, taxiways aprons and/or related paving items, and concrete panel replacement. This includes associated excavation, a full pavement section, and surface prep work—experience using FAA specifications and quality control requirements at a commercial airport.</p>
<p>3D. Airfield Lighting Removal, installation, and rehabilitation of airfield visual aids, including runway and taxiway lighting, markings, signs, and NAV AIDS. Experience in using FAA specifications and quality control requirements at a commercial airport.</p>
<p>4. SPECIAL CATEGORIES A special prequalification category may be created for work outside standard categories. Approval from the Board is necessary for specific projects, and these categories will remain in effect only until the project is awarded. The Board may extend a special category beyond the contract award if future projects in that area are anticipated.</p>

Section 3.02 Modifications to Categories

The Board reserves the right to create, modify, or eliminate prequalification categories. For the most up-to-date prequalification work categories, please refer to the application form(s) and instructions at <https://www.denvergov.org/Prequalification>. Changes to work categories require the approval of the Executive Director of DOTI and the CEO of the Department of Aviation.

Section 3.03 Prequalification in Multiple Categories

A contractor may be prequalified in multiple categories if their application meets the prequalification criteria for each category.

CHAPTER 4: FINANCIAL LEVELS OF PREQUALIFICATION

Section 4.01 Financial Levels Assigned to Prequalified Contractors

Contractors granted prequalification will be assigned a specific financial level. As outlined in Chapter 3 of these Rules, they may bid on contracts within their assigned financial level for the relevant prequalification work category. They may also bid on projects that exceed their financial level, provided they have requested and obtained project-specific permission from the Pre-Qualification Board to submit a bid for each project.

Section 4.02 Financial Levels and Required Financial Statements

The table below outlines the different financial levels for prequalification and the corresponding type of financial statement required when a contractor submits a prequalification application. If the applicant qualifies for the work categories they applied for, they will be assigned a Financial Level for each category.

FINANCIAL LEVELS	TYPE OF FINANCIAL STATEMENT
\$1.5 M	Submitted Financial Statement
\$3.0 M	
\$6.0 M	Reviewed Financial Statement
\$10.0 M	
\$15.0 M	Audited Financial Statement
\$25.0 M	
\$50.0 M	

Section 4.03 Types of Financial Statements

The applicant must submit the required financial statement as shown in the table above. These are the definitions of the three types of financial statements that the City reviews to determine prequalification eligibility.

Submitted Financial Statements: Financial reports prepared by a business which include a balance sheet, income statement, and cash flow statement. While these reports provide essential financial information, they have not undergone formal review or verification.

Reviewed Financial Statements: Financial statements prepared by management and then reviewed by an external CPA. The review involves limited procedures to ensure that the financial information is plausible and follows accounting standards, but it does not provide the same level of assurance as an audit.

Audited Financial Statements: Audited Financial Statements are audited and signed by an independent CPA who will express an opinion. This typically provides a high level of assurance that the statements are free from material misrepresentation and accurately represent the organization's financial position.

Section 4.04 Project-Specific Information

1. Contractors prequalified in the required category for a City contract but with a financial limit below the contract amount may request project-specific permission to bid. This permission is granted only for categories where the contractor is currently prequalified. The applicant must disclose any debarment, suspension, or revocation from contracts with any governmental entity within the past five years.
2. For projects valued over \$50,000,000, each bidder must (1) be prequalified in the required category at the \$50,000,000 level and (2) request and receive project-specific permission to bid.
3. The board will evaluate requests for project-specific permission based on the contractor's bonding capacity, financial condition, and completed project size in the relevant category. The goal is to enhance competition for City construction contracts while ensuring project success. Generally, permission may be granted for bids up to one financial level above the contractor's current prequalification limit. However, the Board may approve higher levels if the contractor's recent project history and financials demonstrate the capability to complete the work successfully.
4. Contractors who have not submitted certified audited financial statements cannot receive project-specific permission to bid on jobs exceeding \$15,000,000, regardless of their bonding capacity or project size. Requests for project-specific permission must be submitted within the timeframe specified in the procurement documents. The Managers or their designee, will grant or deny this permission based on relevant factors, including bonding capacity and the size of projects completed in the last five years. Contractors denied permission do not have the right to appeal the decision.

CHAPTER 5: PREQUALIFICATION EVALUATION CRITERIA

Section 5.01 Debarment, Suspension, or Revocation History

The applicant must disclose any debarment, suspension, or revocation from contracts with any governmental entity within the past three years. Applicants currently debarred by the City and County of Denver or any federal, state, or local government entity are ineligible for prequalification.

Section 5.02 Financial and Bonding Capacity

The applicant must demonstrate financial capability and viability to perform the work for which prequalification is sought, considering the size and type of projects. Respondents should show they possess the financial resources to deliver projects and pay subcontractors on time. Financial Stability and Capability Review of financial statements, bonding capacity, and credit history to ensure the contractor can manage project costs and obligations. A Letter of Guarantee is required from a parent company when

no certified financial statement exists for the subsidiary to meet the requirement of Rule 4.02. Visit <https://www.denvergov.org/Prequalification> for a sample Letter of Guarantee.

Applicants must provide the following:

1. A submitted, reviewed, or audited financial statement that meets the requirements outlined in Chapter 4 of these Rules. The Board will consider an application's positive or negative working capital and/or any recent bankruptcy in determining financial capability and reserves the right to request additional information to assist in determining financial capacity.
2. A letter from the applicant's Surety identifying the applicant's current bonding capacity, including the individual project maximum bonding capacity and the aggregate maximum bonding capacity.

Applicants will be disqualified from prequalification if they have negative current working capital, declared or filed for bankruptcy, or have been placed in receivership within the last five years. Additionally, applicants will be ineligible if, within the past five years, a surety company has made payments on the applicant's behalf due to default or to satisfy claims against a performance or payment bond issued for a public construction project or if the applicant has ever been denied bond coverage by a surety company or lacked the required surety bond during a public construction project.

Section 5.03 Technical Competence and Past Performance

The Board will review the applicants' verifiable experience and demonstrate past performance in the construction and/or renovation of public or private construction projects. Applicants must provide at least three (3) projects completed within the last seven (7) years. However, those in business for less than five years or with fewer than three completed projects are encouraged to submit their completed projects, as they may still be eligible for prequalification. Projects (completed or in progress) must be performed within the contractor's licensing capacity and demonstrate the firm's experience, capabilities, and performance. Firms may include projects performed for the City.

The Board will consider the following areas of technical competence and past performance as part of the overall prequalification application to determine if the contractor has demonstrated performance on past contracts with the City, including, but not limited to, compliance with all contract terms and specifications, satisfactory quality of workmanship, and consistent on-time performance.

Technical Competence and Past Performance

1. Administration, Supervision, and Management
 - a. Supervision of Work
 - b. Project Management
 - c. Quality Control
 - d. Coordination and Management of Subcontractors and Suppliers
 - e. Submission of Documents and Reports
 - f. Ability to Fulfill Contractual Obligations
 - i. Processing of change orders, payroll, and other documentation
 - ii. Timely payments to subcontractors and suppliers.
 - g. Coordination and Cooperation with Project Stakeholders: Work effectively and cooperatively with owners, other contractors, subcontractors, construction managers, designers, and other parties involved in construction projects.
 - h. Relations with the General Public and Other Agencies
2. Quality of Work
 - a. Perform High-Quality Work

- b. Adherence to Plans and Specifications
 - c. Standards of Workmanship
3. Progress of Work
 - a. Timely Completion of Projects
 - b. Baseline Scheduling
 - c. Contract Completion and Closeout
4. Compliance with Laws and Contract Requirements
 - a. Contract Compliance
 - b. History of compliance with City requirements as a prime contractor or subcontractor
 - c. The City’s Division of Small Business Opportunity (“DSBO”) related compliance for Small, Disadvantaged, and Minority-owned businesses and Women Business Enterprises (“MWBE”)
 - d. Compliance with the federal Disadvantaged Business Enterprise (“DBE”) program
 - e. Adherence to all relevant local, state, and federal laws, ordinances, and regulations, including, but not limited to, the following:
 - i. Prevailing Wages. Compliance with the City and County of Denver’s Prevailing Wage Ordinance D.R.M.C 20-76 and contract-specific requirements or the requirements of any state or federal government agency administering prevailing wage rates.
 - ii. Zoning
 - iii. Workplace Safety
 - iv. Environmental Compliance
5. Other Contract Performance History

Applicants must disclose any construction contract awarded by a private entity or governmental agency that was terminated over the previous three years and had a contractual value of \$1 million or more, regardless of the reason for termination.

Section 5.04 Formal Contractor Performance Reviews with the City

The City reserves the right to implement a formal Contractor Performance Review process to evaluate the contractor’s technical competence and past performance. This review will be incorporated into the prequalification assessment only if the applicant has completed a contract or contracts with the City and the original contract(s) or work order included specific terms and conditions for the Contractor Performance Review process.

Section 5.05 Qualifications and Relevant Experience of Key Personnel

Applicants must provide resumes of the qualifications and experience of those who would most likely manage or supervise work on behalf of the City if they become prequalified and are awarded a subsequent contract.

Resumes. The City will review resumes to determine the applicant’s overall workforce qualifications required for successful project execution.

References. Applicants must provide a name and contact information for each project listed in their application from the relevant public or private entity they contracted with. The City may contact these submitted references to gauge performance, skills, satisfaction and reliability.

Section 5.06 Safety Record

The Board will assess the contractor's safety management practices, workers' compensation history, incident record, and compliance with Occupational Safety and Health Administration (OSHA) regulations to evaluate the applicant's overall safety program.

1. Safety Evaluation factors
 - a. Workers' compensation
 - i. Applicants must provide their Experience Modification Rate (EMR), calculated by the National Council on Compensation Insurance (NCCI), for the current year and the past three years. Applicants are ineligible for prequalification if their average EMR rating over the past three years is 1.5 or higher.
 - b. (OSHA) history
 - i. The Board will review the nature and outcome of any OSHA or other regulatory violations and confirm that the applicant has no unsatisfactory OSHA judgments, including no record of "willful" or "serious" violations. Applicants are ineligible for prequalification if they have incurred any "willful" or "serious" OSHA violations in the past three years.

Section 5.07 Obligations to the City

1. To be eligible for prequalification, the applicant must not be in arrears with the City regarding any debt or contract.
2. If the applicant has defaulted on any obligation to the City, breached a contract, or received a critical audit report from the Auditor of the City and County of Denver regarding its performance under any contract within the past five years, the Board may deny prequalification or limit the financial level of prequalification granted.

If the applicant has resolved any prior defaults or breaches and demonstrates to the Board's satisfaction that it has taken appropriate measures to prevent recurrence, the Board may grant prequalification without imposing financial restrictions based on these factors. Prequalification may be granted without financial limitations if the applicant has addressed prior defaults and shown reasonable actions to avoid future issues.

Section 5.08 Legal History and Litigation

Applicants are required to disclose any completed court, arbitration, mediation, or administrative cases during the past three years, including but not limited to:

1. Cases in which the Applicant violated any local, state, or federal statute, ordinance, rule, or regulation. For example, but not limited to OSHA violation citations, citations for wage law violations, and citations for environmental violations.
2. Cases in which an Applicant's bid was involved.
3. Cases with an amount in the controversy is over \$100,000 in which the Applicant's performance of any public or private construction work was involved, including but not limited to claims that the Applicant breached a contract or failed to pay subcontractors or suppliers
4. Cases whereby the Applicant, the Applicant's owners, or a member of the Applicant's management team has:
 - a. Been found liable in a civil suit for making false or material misrepresentations, fraud, theft, embezzlement, or other acts of dishonesty.

- b. Been convicted of a crime involving any federal, state, or local construction law rule, or regulation pertaining to contracts, regulations, disputes, and safety standards, or
- c. Been found guilty of committing the crime of fraud, embezzlement, larceny, robbery, or other crimes of moral turpitude.

Information required for each case disclosed:

1. Date Commenced.
2. Docket or Citation Number.
3. Name of the court, administrative, or arbitration forum.
4. Names of the parties.
5. A statement of the subject matter and the dollar amount of the controversy.
6. The outcome, including the dollar amount of settlement.

Section 5.09 Accuracy and Completeness of the Contractor's Application

To be considered for prequalification, the applicant must submit current, complete, accurate, and valid data. Applicants who submit false, deceptive, or fraudulent information in the application or in prior bids are ineligible for prequalification and may have their existing prequalification revoked.

CHAPTER 6: APPLICATIONS

Section 6.01 Application Submission Requirements

1. Contractors must submit applications using the latest form(s) or format specified by the Board.
2. Completed applications must be submitted according to the method outlined in the application instructions.

Section 6.02 Application Forms and Required Information

1. Visit <https://www.denvergov.org/Prequalification> to:
 - a. Obtain the current prequalification application form(s) and instructions, including those for a joint Venture or Project-Specific applications and
 - b. View all required information to apply for prequalification with the City.

Section 6.03 Incomplete Applications

1. The Board is not obliged to consider incomplete applications.
2. An application is considered incomplete if it lacks any required information, attachments, or responses to inquiries.
3. Applications that remain incomplete for 45 days after the submission date or the last inquiry or communication from the applicant may be considered abandoned.

Section 6.04 Public Records

1. Applications are public records under the Colorado Open Records Act, §§ 24-72-201 et seq., C.R.S.
2. Basic applicant information – including name, address, prequalification status, category, and financial level - is subject to public inspection.
3. Confidential commercial or financial information will not be disclosed.

CHAPTER 7: Joint Ventures

Section 7.01 Prequalification Requirement for Joint Ventures

1. A joint venture formed by two or more contractors to bid on a contract must be prequalified, regardless of the prequalification status of individual members.
2. Prequalification for a joint venture is granted on a contract-by-contract basis and expires upon execution of the relevant contract, regardless of award status.
3. Completed applications must be submitted according to the method outlined in the application instructions

Section 7.02 Application Process for Joint Ventures

1. The joint venture's application must be submitted to the Board within the timeframe specified in the bid documents and include the following information for the majority stakeholders:
 - a. Visit <https://www.denvergov.org/Prequalification> to:
 - i. Obtain the current joint venture prequalification application form(s) and instructions and
 - ii. View all required information to apply for prequalification with the City.

Section 7.03 Submission of Joint Venture Agreement

1. The application must include a copy of the joint venture agreement, which should contain:
 - a. Provisions outlining the scope and extent of each member's responsibilities for performing the work described in the contract.
 - b. Duties and obligations of each contractor as a joint venture member.
 - c. Each member's ownership percentage in the joint venture.
 - d. A clause stating that all members are jointly and severally liable for the joint venture's obligations; and
 - e. A requirement that all purchase orders and subcontracts be signed by all members or an authorized representative.

Section 7.04 Prequalification Status of Joint Venture Members

1. The majority stakeholders of the joint venture must be individually prequalified.

Section 7.05 Criteria for Joint Venture Prequalification

1. The Board will assess the joint venture's ability, including financial capability, to perform the contract based on:
 - a. Information from the joint venture's application.
 - b. Information from all members, including experience, references, assets, and key personnel.
2. A joint venture is ineligible for prequalification if any member is debarred from City contracting under CHAPTER 20-77, of Denver's Revised Municipal Code.

Section 7.06 Determining Financial Capability of Joint Ventures

1. A joint venture will be prequalified based on the financial capability of the majority stakeholder, provided that the member can individually qualify for the contract amount.

CHAPTER 8: Prequalification Term

Section 8.01 Duration of Prequalification

1. A contractor's prequalification will remain valid for two (2) years from the last day of the month when the prequalification certification was issued unless the application is revoked or suspended per Section 9.02 Grounds for Revoking or Suspending Prequalification.
2. Prequalification for a joint venture is granted on a contract-by-contract basis. It expires upon executing the contract for which it was obtained, regardless of its award status.

Section 8.02 Timeliness of Application Responses

1. The Board typically makes a prequalification decision within 45 days of receiving a complete application. This timeframe applies to new and renewal applications required every two years.

Section 8.03 Prequalification Renewal

1. There is no automatic renewal.
2. A renewal application must be submitted every two years; however, contractors may submit their applications early, at any time before the original two-year term expires. The Board prefers to receive this application at least 30 days prior to the expiration date of the current prequalification period. If the renewal application is not submitted by the expiration date, the applicant's status will lapse, rendering them ineligible to bid on projects during that time.

Section 8.04 Standards for Renewal

1. The same standards apply whether the contractor submits an initial prequalification or renewal application.

Section 8.05 Changes to Prequalification Status

1. During the two-year prequalification period, the Board may review a contractor's qualifications and request additional information, if necessary. Contractors may also request changes to their financial level or work categories by submitting a documented request with supporting rationale to the Board.
2. A contractor's prequalification status will not change without prior notice.
3. A contractor's prequalification is automatically revoked without notice if the City's debarment board orders debarment under CHAPTER 20-77 of the Revised Municipal Code. A debarred contractor must submit a new application after the debarment period ends to regain prequalification.

Section 8.06 Reporting Requirements

1. A prequalified contractor must promptly notify the Board of any material changes that could affect their future performance. Examples of such changes include a significant decline in the company's financial health, a deterioration in performance qualifications, or any actions taken against the contractor or its subsidiaries, such as federal debarment.

CHAPTER 9: Denial, Suspension, and Revocation

Section 9.01 Reasons for Denying Prequalification

1. The Board may deny a prequalification application for the following reasons:
 - a. Submitting an incomplete application, including missing attachments, certifications, or required documentation.
 - b. Failure to meet the criteria outlined in Chapter 5 of these Rules.
 - c. Current debarment by the City and County of Denver or any federal, state, or local government entity.
 - d. Submitting false, deceptive, or fraudulent information in the application or on previous bids.
 - e. If within the past three years, the Applicant, the Applicants owners, or a member of the Applicant's management team has:
 - I. Been found liable in a civil suit for making false or material misrepresentations, fraud, theft, embezzlement, or other acts of dishonesty.
 - II. Been convicted of a crime involving any federal, state, or local construction law rule, or regulation pertaining to contracts, regulations, disputes, and safety standards, or
 - III. Been found guilty of committing the crime of fraud, embezzlement, larceny, robbery, or other crimes of moral turpitude.

Section 9.02 Grounds for Revoking or Suspending Prequalification

1. The Board may suspend or revoke a contractor's prequalification for the following reasons:
 - a. Default on any City contract by the contractor or its subsidiaries.
 - b. Submitting qualifications/resumes in bids that are materially different than those submitted in the original prequalification application.
 - c. Submitting false, deceptive, or fraudulent information in applications or bids.
 - d. Failure to report required decreases in fiscal or performance qualifications.
 - e. Actions indicate a lack of competency in contract or construction matters.
 - f. Inability to continue to meet prequalification criteria as specified in Chapter 5 of these Rules.
 - g. Criminal convictions related to obtaining contracts or fraudulent activities.
 - h. Convictions for embezzlement, theft, bribery, or related offenses.
 - i. Violations of state or federal antitrust laws concerning bids or proposals.
 - j. Debarment or suspension by any governmental entity.

Section 9.03 Procedures for Denial, Suspension, or Revocation

1. Denial of Application: If the Board denies an application, the contractor will receive a written notice detailing the reasons for denial and information on appeal rights under the City's Revised Municipal Code.
2. Suspension of Prequalification: A notice of suspension will outline the reasons, appeal rights, and duration of the suspension.
3. Revocation of Prequalification: A notice will include the reasons for revocation, appeal rights, and the effective date. Appeals must be submitted in writing within 30 calendar days; if no appeal is received, the decision becomes final.

Section 9.04 Exceptions to Procedures

1. These procedures do not apply to:
 - a. Denials, suspensions, or revocations for contractors debarred by the City's debarment board under CHAPTER 20-77, Denver Revised Municipal Code.
 - b. Applicants with a financial statement showing negative working capital or an Experience Modification Rate Factor ("EMRF") average of 1.5 or greater are ineligible for prequalification and cannot appeal.

Section 9.05 Reapplication After Denial or Suspension

1. A denied application or suspension will remain in effect for at least one year. After this period, the contractor may reapply by submitting a new application demonstrating the resolution of the previous issues. During this time, contractors may also request prequalification in a different category.

Section 9.06 Effect of Debarment under § 20-77, D.R.M.C.

1. Contractors debarred under CHAPTER 20-77 may not be prequalified during the debarment period. Applications from debarred contractors will not be reviewed, and prequalification will be automatically revoked as of the debarment date.
2. To contest debarment, contractors must appeal under CHAPTER 20-77; no appeals for prequalification revocation will be accepted during this period.
3. A contractor must submit a new application to regain prequalification after debarment.

CHAPTER 10: Prequalification Board Governance

Section 10.01 Collaborative Administration

The Managers will ensure unified administration of this Rule through a single Board. A designated administrative office will oversee day-to-day prequalification activities; all required documents must be submitted to or obtained from this office.

Section 10.02 Prequalification Board Responsibilities

The Managers have delegated the authority to grant or deny prequalification to the Board. The Board is tasked with reviewing all prequalification applications, making decisions on prequalification status,

granting project-specific bidding permissions, and handling suspensions or revocations. The Board will communicate its decisions to the Managers. Additionally, the Board may conduct inquiries and investigations regarding applicants and prequalified contractors, employing City employees, consultants, or contractors as necessary. The Board will decide on the prequalification status and financial level based on the evaluation criteria outlined in Chapter 5 of these Rules and the overall application submitted by the applicant.

Section 10.03 Executive Authority

The Managers reserve the right to challenge the initial Board decision regarding the prequalification Financial Level. They may present an alternative Financial Level recommendation and reasoning to the Board for reconsideration. The Board will then review the prequalification recommendation from either the Executive Director of DOTI or the CEO of Aviation, vote on it, and make a final decision. Using the same process, they may also recommend denying an application or suspending or revoking a previously granted prequalification.

Section 10.04 Composition of the Board

The Board will consist of an odd number of members, with a minimum of five, who must be full-time City and County of Denver employees with related subject matter expertise, for example, construction experience. The Director of Compliance of the City's Division of Small Business Opportunity will appoint designees of their choosing. Members are appointed for two-year terms by the Executive Director and CEO, with options for reappointment. The Executive Director and CEO may replace any member with a new appointee with subject matter expertise, serving the remainder of the term. Each member may have an alternate to attend meetings and act on their behalf as needed.

Section 10.05 Board Meeting Protocols

The Board may establish its own organizational and procedural rules. Meetings will be held as needed to review applications and manage regulatory matters. A majority of members constitute a quorum for official business, with alternates counting toward this total and eligible to vote. Meetings will primarily be conducted virtually, with written notice provided electronically to all members in advance. The Board may also act via email, documenting and reporting such actions at the next meeting.

Section 10.06 Board Verification and Documentation Requirements

The Prequalification Coordinator, a Board member, or staff will verify the applicant's debarment status and check for arrears or defaults. The Board will document its recommendations and rationale for the assigned financial levels in the minutes.