CONTRACTOR'S PREQUALIFICATION STATEMENT

North Dakota Department of Transportation
Construction Services Division
SFN 9384 (Rev. 10-2008)

SHOW YOUR NAME EXACTLY AS IT IS SHOWN ON YOUR CONTRACTOR'S LICENSE

Statement of		
Street Address		P.O. Box Number
City		State
Zip Code	Phone Number	
Date of Statement	Fax Number	
Contact Person	Email Address (Optional)	

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

BISMARCK, NORTH DAKOTA
www.dot.nd.gov

DIRECTOR
Francis G. Ziegler, P.E.

CONSTRUCTION SERVICES DIVISION
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GENERAL INFORMATION AND INSTRUCTIONS FOR PREPARING CONTRACTOR'S PREQUALIFICATION STATEMENT

1. **General Requirements** - Contractors desiring to bid on highway construction work must be prequalified by the Department in order to be eligible to submit bids, except when this provision is specifically waived by the contract provisions.

   a. Application to prequalify for bidding is made by completing the Department's SFN 9384, "CONTRACTOR'S PREQUALIFICATION STATEMENT,"and submitting one copy to:

   CONSTRUCTION DIVISION
   NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
   608 EAST BOULEVARD AVENUE
   BISMARCK ND 58505-0700

   b. Prequalification is required annually. Currently prequalified contractors who wish to renew their prequalification must submit the STATEMENT by July 1 of each calendar year. The Department may grant an extension, not exceeding 60 days, when requested for valid reason. Contractors who are not currently prequalified must submit the STATEMENT at least seven days prior to the date of a scheduled bid opening on which they desire to submit bids.

   This form must be completed in ink or typed. Mistakes should have one line drawn through them and be initialed.

2. **Details of Organization and Experience** - On pages 3-4 of the STATEMENT,applicant must answer all interrogatories and provide all items of information requested pertaining to the organization and experience of the firm. Separate schedules may be attached for listings of work completed during the past five years and for work currently underway. If a separate schedule is attached for interrogatory 8 on page 4, it must state whether any extensions, penalties, claims, or stop notices occurred.

3. **Work Classifications** - On page 5 of the STATEMENT, applicant shall mark the type(s) of work for which prequalification is sought.

4. **Equipment Ownership** - On page 6 of the STATEMENT,list construction equipment owned by applicant; also show equipment age, purchase price, annual depreciation, and book value. For purposes of prequalification, the Book Value is defined as the purchase price minus the total accumulated depreciation. A separate schedule may be attached to provide all the required information. A separate appraisal of current equipment value may be attached for the Department's consideration in determining the applicant's bidding capacity; to be considered, the appraisal must be certified by an independent and qualified individual.

5. **Financial Statement** -The applicant for prequalification may choose to furnish financial details in accordance with either paragraph a or b as described below:

   a. **Certification of Surety** - The applicant shall furnish a certified statement from a bonding firm authorized to do business in the state of North Dakota. The certification shall indicate the maximum bonding coverage the surety will issue on the applicant's behalf for a single contract, and shall also specify the total bonding that the surety will issue for all of the applicant's work, including uncompleted contracts. Under this option, the applicant shall also complete the contractors statement of financial position on page 7.

   b. **Contractors Statement of Financial Position** - If the applicant desires prequalification to perform work for the Department in excess of $250,000 (including uncompleted work on hand), the applicant shall submit a separate statement of financial position audited by an independent certified or licensed public accountant. To obtain a prequalification rating of up to $250,000, the applicant must submit a statement of financial position (which may be unaudited) or complete the contractor's statement of financial position found on page 7 of this booklet.

6. **Affidavit** - the affidavit on page 8 of the STATEMENT must be signed by the applicant and notarized. Only a complete, original Affidavit will be accepted. Notary stamp/seal must be affixed.

7. **Prequalification Rating** - The Department will rate the applicant for prequalification on the basis of information supplied, and will notify the applicant in writing of the action taken. The rating will stipulate the types and amount of work the applicant is prequalified to bid.

   a. The purpose of the monetary rating is to establish the contractor's bidding capacity. The bidding capacity for a given bid opening is the monetary rating less the contract value of uncompleted work at hand.

   b. When a Certification of Surety is furnished in accordance with paragraph 5a above, the monetary rating will conform to the bonding limitations established by the surety on the contractor's behalf.

   c. When the contractor furnishes a statement of financial position in accordance with paragraph 5b above, the monetary rating will normally be established by multiplying net assets by a factor of five, and rounding to the nearest

one thousand dollars ($1,000). This factor may be reduced, as determined by the Department, if the accountant's opinion expresses any qualification with respect to the financial statement. Unless the financial statement is attested by an independent certified or licensed public accountant, the rating established by the Department will not exceed $250,000, or net assets times five (rounded to nearest $1,000), whichever is less.

d. The Department may reduce or revoke the contractor's prequalification rating, based on the contractor's performance record with regard to quality of work, timely completion, payment of claims, disbarment by other agencies, or other pertinent factors.

8. **Rating revisions**

a. **Revisions in Prequalification Rating** - Unless the monetary rating is reduced or revoked per paragraph 7d above, the rating of a currently prequalified contractor may be revised on the basis of a revised financial statement, or by a revision in the bonding limitations established by the surety. If the rating is reduced per paragraph 7d above, the rating can only be changed by the grievance procedure. The contractor may become prequalified to bid on additional types of work by submitting information certifying the availability of, or arrangements to obtain, equipment and experienced supervisory personnel necessary for the performance of the additional types of work for which prequalification is sought. To assure the Department's consideration of a request for a revised rating prior to a scheduled bid letting, the additional information supporting such request must be received by the Department a minimum of 7 days before the bid opening in which the bidder desires to bid.

b. **Grievance Procedure** - A prospective bidder dissatisfied with his classification may request a hearing before the Prequalification Committee, and at the hearing may present further evidence to justify a different classification. No change in classification to be effective for a letting which has been advertised will be made unless a written request shall have been received at least 20 days preceding the day for the submission for bids. If the contractor is dissatisfied with the ruling of the Prequalification Committee, he may appeal the decision to the Department of Transportation director. In each of the appeals outlined, the Department will have 15 days to respond to the contractor's submission. The decision of the Department director will be final.

9. **Contractor Licensing Requirements** - A contractor is not required to obtain a North Dakota contractor's license prior to submitting a bid on a NDDOT project. N.D.C.C. Section 43-07-12. However, the successful bidder must, within ten days after the notice of award and prior to the execution of the contract, have obtained the appropriate North Dakota contractor's license. N.D.C.C. Sections 24-02-20; 43-07-02.

Contractor licenses are issued by the North Dakota Secretary of State. N.D.C.C. Section 43-07-09 states in part: "...the registrar may investigate and determine each applicant's fitness to act in the capacity of contractor as defined in this chapter, and no license may be issued to such applicant until the registrar receives all documentation necessary to obtain a license and the appropriate fee. The license issued on an original application entitles the licensee to act as a contractor within this state, subject to the limitations of such license, until the expiration of the then current fiscal year ending March first, except that an initial license issued to a licensee in January or February is valid until March first of the subsequent year."

Contractor licenses are issued in the following classes (with original license fee shown in parenthesis):

Class A - No limitation as to the value of any single contract project	($300)
Class B - $250,000 limit per single contract project	($200)
Class C - $120,000 limit per single contract project	($150)
Class D - $ 50,000 limit per single contract project	($ 50)

A license issued on the original application remains in force until the expiration of the current fiscal year ending February 1. Application for renewal must be made on or before February 1 of each successive fiscal year. The renewal fee is 20 per cent of the fee for the original license.

10. **Foreign (out-of-state) Corporations** - In accordance with N.D.C.C. Sections 10-19.1-132 through 10-19.1-146, award of contract will not be made to a foreign corporation until they have obtained a Certificate of Authority to transact business in the state of North Dakota. Application for the Certificate of Authority is made by filing a notice of intent to do business in North Dakota with the Secretary of State.

BIDDING INFORMATION

Bidding requirements and conditions are set forth in Section 102 of the North Dakota Department of Transportation "Standard Specifications and then Current Supplemental Specifications for Road and Bridge Construction."

The Department has the right to disqualify a bidder after a proposal has been submitted in accordance with Section 102.13 of the Standard Specifications and the requirements of this prequalification statement.

Two or more prequalified contractors may submit a joint venture bid if at least one of the contractors is prequalified to perform the major type of work required by that contract, and their combined bidding capacity meets the established criteria. Bid bonds submitted for a joint venture must bear the names of all parties to the joint venture.

DETAILS OF ORGANIZATION AND EXPERIENCE

Name	☐ A Corporation, etc. ☐ A Partnership ☐ An Individual
Principal Address	

If a corporation, ILLC, PLLC, LLP, PLLP, or limited partnership complete this block:

Year incorporated	In what state
President/Managing Partner	
Vice-president/General Partner	
Secretary/General Partner	
Treasurer/General Partner	

If partnership or individually owned business, complete this block:

Date of Organization	
Name of Partner	Address

The signatory of this questionnaire guarantees the truth and accuracy of all statements and of all answers to interrogatories hereinafter made.

1. Licensed as a Contractor in North Dakota ☐ Yes ☐ No If no, see items 9 and 10	License Number	Class	Date of Issue or Renewal
2. Firm Qualifies as a Minority Business Enterprise (MBE/WBE) ☐ Yes ☐ No	Type of Minority Business Enterprise ☐ MBE ☐ WBE	Location Where Certified ☐ ND ☐ Other States:	
3. Names of Other Contracting Firms Prequalified with the Department in which you have a Financial Interest			
4. Years of Experience Your Firm has in Construction as a Contractor or Subcontractor		Types of Work	
5. Have you, your organization, or any officers or partners been barred from bidding by any state or federal agency? ☐ Yes ☐ No If yes, provide name of agency, duration, and details of disbarment on an attachment.			
6. Have you, your organization, or any officers or partners failed to complete any work awarded to it? ☐ Yes ☐ No If yes, describe details on an attachment.			

7. * Describe construction experience of the principal members of your organization.

INDIVIDUAL'S NAME	PRESENT POSITION IN YOUR ORGANIZATION	YEARS OF EXPERIENCE	TYPE OF WORK	IN WHAT CAPACITY

**A separate schedule may be attached*

8. * List the principal projects your organization has completed during the past five years:*

YEAR	TYPE OF WORK (see page 6 for listings)	VALUE OF WORK PERFORMED	LOCATION OF WORK	CONTRACTOR'S SUPER. IN CHARGE	OWNER	ENGINEER IN CHARGE FOR OWNER	WAS TIME EXTENSION NECESSARY	WERE ANY PENALTIES IMPOSED	WERE CLAIMS OR STOP NOTICES FILED
							EXPLAIN "YES" ANSWERS ON AN ATTACHED SHEET		

9. * List the construction projects your organization has underway on this date:*

TYPE OF WORK	CONTRACT AMOUNT	PERCENT COMPLETED	NAME AND ADDRESS OF OWNER OR CONTRACTING OFFICER

* A separate schedule may be attached. Please see instructions

TYPES OF HIGHWAY CONSTRUCTION

In the spaces provided below, mark "X" after the types(s) of work for which prequalification is sought. If you are a general contractor interested in bidding all types of highway construction, mark "X" after "General—All Classes of Construction" and after all work for which you are qualified to do.

	TYPE OF WORK	MARK X
1.	General - All Classes of Construction	
2.	Grading	
3.	Culverts and Small Structures	
4.	Gravel	
5.	Treated Base (Lime, Fly Ash, Portland Cement, etc.)	
6.	Bituminous Cold Mix	
7.	Bituminous Hot Mix	
8.	Bituminous Seal Coat	
9.	Portland Cement Concrete Pavement	
10.	Bridges	
	Incidental Construction:	
	Riprap	
	Water and Sewer	
	Curb and Gutter, Sidewalk, Driveways	
	Painting Structural Steel	
	Guard Rail	
	Erosion Control (Sod, Seed, Mulch, Fiberglas Roving)	
	Landscaping	
	Fencing	
	Pavement Marking	
	Traffic Signs	
	Electrical - Lighting, Traffic Signals	
	Rest Area and Miscellaneous Building	
	Jacking and Boring Pipe	
	Grind Concrete Pavement	
	Saw and Seal Pavement Joints	
	Milling Bituminous Pavement	
	Other:	

CONSTRUCTION EQUIPMENT OWNERSHIP

1. List construction equipment owned by your firm. A separate schedule may be attached.

QUANTITY	DESCRIPTION, NAME, AND CAPACITY OF ITEMS	AGE OF ITEMS	PURCHASE PRICE	ANNUAL DEPRECIATION	TOTAL ACCUMULATED ANNUAL DEPRECIATION	BOOK VALUE
			$			$
					Total $	

SFN 9384

CONTRACTORS STATEMENT OF FINANCIAL POSITION

Name	
Condition at close of business	Date

ASSETS **Current Assets** - please list

1.	Cash	$	
2.	Accounts receivable	$	
3.	Inventories	$	
4.	Other current assets	$	
		$	
		$	
		Total	$

Fixed Assets - please list

1.	Real Estate	$	
2.	Equipment	$	
3.	Furniture and fixtures	$	
4.	Other	$	
		$	
		Total	$
		Total Assets	$

LIABILITIES AND OWNERS EQUITY **Current Liabilities** - please list

1.	Accounts payable	$	
2.	Current portion of Notes payable	$	
3.	Other	$	
		Total	$

Long Term Liabilities - please list

1.	Long term debt	$	
2.	Other	$	
		Total	$

Owners Equity (Net Assets)

1.	Owners Equity	$	
		$	
		Total	$
		Total Liabilities and Owners Equity	$

NOTE: Complete this form only if you do not submit an audited statement of financial position. For prequalification ratings of up to $250,000, you may attach an unaudited financial statement in lieu of completing this form. Audited statements of financial position must be submitted for prequalification ratings greater than $250,000.

AFFIDAVIT

(Notarized)

STATE OF: _____

Sworn Statement

COUNTY OF: _____

The undersigned, being duly sworn, hereby declares: that all statements and answers to interrogatories in this Contractor's Prequalification Statement are true; that the financial statement accurately reflects the financial condition of the individual firm, partnership, or corporation herein named as of the date given.

It is understood that this statement is for the express purpose of obtaining prequalification to bid on work let to contract by the North Dakota Department of Transportation; and that any depository, vendor, or other agency herein named is hereby authorized to supply the Department with any information necessary to verify this statement.

ACKNOWLEDGEMENT

On this _____ day of _____, 20___, personally appeared before me _____ known to me to be the person named in and who executed the foregoing instrument and acknowledged that they executed the same.

(Notary Seal)

_____

NOTARY PUBLIC (Type or Print name)

_____

NOTARY PUBLIC (Signature)

My Commission Expires _____

CONTRACTOR:

_____

Name of Firm

_____

Officer's Name (Type or Print)

_____

Signature

_____

Title

_____

Date

* For individual business, affidavit to be **signed by owner and notarized.**
For partnership, affidavit to be signed by all partners and notarized.
For corporation, LLC, PLLC, LLP,PLLP,or Limited Partnership, affidavit to be signed by an authorized official and notarized.