

CECC-POD

30 Sep 2004

Regulation
No. 415-1-17

Construction
CONTRACTOR PREQUALIFICATION PROCEDURES

1. PURPOSE. To prescribe the procedures and responsibilities for prequalification of contractors who will be permitted to submit proposals on contracts to be awarded by the U.S. Army, Corps of Engineers, Far East District (POF), for designated construction projects for the Department of Defense Appropriated, Non-appropriated and Host Nation-funded programs in the Republic of Korea.
2. APPLICABILITY. This regulation supersedes PODR 415-1-17, 13 November 1995, and applies to competitive acquisition procedures to be employed on all construction contracts awarded by POF.
3. REFERENCES.
 - a. FAR 9.1000, Responsible Prospective Contractors
 - b. FAR 9.2000, Qualifications Requirements
 - c. DFARS 236.272, Prequalification of Sources
 - d. POF Construction Policy 94-7-9(A), Quarterly Evaluation Report
4. DEFINITIONS.
 - a. Registration List. The listing maintained by POF of all licensed contractors who have indicated a desire to perform under contract(s) solicited by POF and who have submitted the necessary documentation and information to POF to be considered for inclusion on the Prequalified Source List.
 - b. Prequalified Source. Any contractor from the Registration List who has been designated as a Prequalified Source by the Panel.
 - c. Prequalified Source List. The listing of all Prequalified Sources.
 - d. Contractor Quarterly Performance Rating. Overall rating of contractors based on numerical ratings by each project office for each contractor executing construction work under current POF contracts. Ratings are prepared in accordance with POF Construction Policy 94-7-9(A).

5. RESPONSIBILITIES

a. Prequalified Source Selection Panel

(1) An approved list of prequalified sources will be established by the Panel to assure that those contractors who compete and obtain contracts for construction with POF are responsible contractors and have the necessary qualifications to perform anticipated POF projects.

(2) The Panel will meet at the call of the Chairman to review the Registration List and determine whether those contractors are technically, financially, and otherwise capable of executing those construction projects assigned to POF.

(3) The Panel consists of the following members:

HQPOD Members	POF Members
Deputy Commander	District Commander (Chairman)
Director of Regional Business	Deputy District Commander
Director of Programs	Deputy District Engineer for Programs and Project Management
	Chief, Engineering Division
Team Leader, POF-POJ District Support Team	Chief, Construction Division
Contracting	Chief, Contracting Division
Assistant Chief Counsel/Division Counsel	District Counsel

Alternates may be designated by the Commander, POD to serve in the absence of POD members. Alternates may be designated by the Commander, POF to serve in the absence of POF members. The majority rules in all votes taken by the Panel. Each Panel member, or alternate, is entitled to one vote, except that the Commander, POF is a non-voting member who will cast the deciding vote in cases where the vote is otherwise tied.

(4) Annual Workload Review: Prior to considering firms for designation as a Prequalified Source, the Panel will review all the projects proposed for solicitation during the applicable period to identify the general nature, complexity, and magnitude of the proposed projects for the purpose of determining the criteria that will be applied to all contractors, both those previously designated as Prequalified Sources and those with no previous designation, during the Annual Review of the Registration List.

(5) In addition to the specific criteria identified by the Panel, the following criteria will also be applied:

(a) Experience in work of magnitude and complexity comparable to that required under the U.S. DOD funded construction program for the U.S. Forces in Korea.

(b) Ownership or ready access to facilities and equipment required for performance of the work.

- (c) Record of performance as to time and quality.
- (d) Adequate financial resources and financial history verified through DCAA audit.
- (e) Record of business and financial experience and integrity.

(f) An adequate staff of experienced English-speaking managerial and engineering personnel. Managerial personnel must be vested with authority to speak for and bind the company. Managerial and engineering personnel must be immediately available, and committed to the POF projects.

- (g) Contract administration record.
- (h) Adequate off-shore procurement capability.

(6) Annual Review of Registration List: The Panel will review each contractor on the Registration List annually. Contractors determined by the Panel to meet the criteria established in this regulation and by the Panel in the Annual Workload Review will be designated as a Prequalified Source. The Panel will only consider those contractors on the Registration List for designation as a Prequalified Source. Those contractors that do not meet the established criteria shall not be so designated and will be notified within a reasonable time. The results of the evaluation of each contractor shall be included in the minutes.

(7) Designation: Designation as a Prequalified Source by the Panel will be for a period of one year or until the panel's next meeting and designation of Prequalified Sources. All contractors seeking designation must indicate a desire to perform under contract(s) solicited by POF and submit the necessary documentation and information to POF annually.

(8) Minutes: A record of the Panel's actions will be made and retained by the Chief, Contracting Division, POF, and will include the names of all firms reviewed and the selection criteria applied. The chairman will authenticate the record, and all Panel members will sign the minutes.

b. Debarred or Suspended Contractors: Contractors formally suspended or debarred will be removed from the Prequalified Source List upon POF's receipt of notification of the suspension/debarment action from the appropriate authority. Contractors that have been debarred from government contracts or otherwise determined ineligible to receive an award shall be removed from the Prequalified Source List. A suspended/debarred contractor may submit the necessary documentation and information for reinstatement on the Prequalified Source List after the expiration of the period of suspension of debarment.

c. Approval Authority for Use of Prequalification Procedures

(1) The District Commander, POF will request authority from the Division Commander to utilize prequalification procedures for each project for which the use of prequalification procedures is contemplated.

(2) After project approval, the Prequalification Board (Board) will meet at the call of the District Commander, POF, to select prequalified contractors from the Prequalified Source List for approved projects.

d. Prequalification Board

(1) Prequalified sources will be selected from the Prequalified Source List to receive solicitations for individual projects or indefinite delivery/indefinite quantity contracts by the Board. The Board will assure that those sources selected to receive a solicitation for an approved project are responsible and have the necessary qualifications to perform. The Board may choose all or a portion of the Prequalified Sources to receive a solicitation on an individual project to assure that there is adequate competition, to minimize the opportunity for contractor collusion, and to ensure quality and timeliness.

(2) The Board will meet at the call of the District Commander, who is designated the Board Chairman, to review the Prequalified Source List and determine which Prequalified Sources are technically, financially, and otherwise capable of executing the POF project to be solicited.

(3) The Board will consist of the following members:

- (a) District Commander (Chairman).
- (b) Deputy District Commander.
- (c) Deputy District Engineer for Program and Project Management.
- (d) District Counsel.
- (e) Chief, Engineering Division.
- (f) Chief, Construction Division.
- (g) Chief, Contracting Division.
- (h) Project Manager (nonvoting member)

Alternates may be designated by the Commander, POF to serve in the absence of members. Each Board member, or alternate, is entitled to one vote. The majority rules in all votes taken by the Board.

(4) In considering sources for individual solicitations, the Board shall consider the criteria set forth in paragraph 5.a(5) above in addition to the following criteria:

- (a) Most recent history of performances as determined by project ratings.

(b) Projected financial, technical, engineering and managerial resources available for the project under consideration at the time construction of the project will commence.

(c) Total net worth: Because POF contracts have no bonding, a contractor should normally be considered for selection only if its published net worth as shown in the Korean Construction Association Annual General Construction Contractor Performance Capacity Report, is at least twice the project's Estimated Cost of Construction. Exceptions should be noted and explained in the minutes.

(d) Project Delivery Team and Resident Engineer input and recommendations.

(5) Notwithstanding the above-described selection criteria, the Board shall be guided by the goal of allowing all Prequalified Sources at least one opportunity per year to be selected for an approved project.

(6) A record of the Board's actions will be made and retained by the Chief, Contracting Division, POF, and will include the names of all firms reviewed and the criteria applied. The chair will authenticate the record. After a decision of the Board is entered into the minutes and authenticated, unanimous written consent of the Board is required to modify the decision.

FOR THE COMMANDER:



JAMES K. LIGH
Chief of Business Management

DISTRIBUTION (POD list 05-1):

B