

APPENDIX E

SUMMARY OF STATE LAWS AND REGULATIONS RELATING TO QUALIFICATION OF BIDDERS

STATE	CERTIFYING AGENCY	DOCUMENTS SUBMITTED WITH APPLICATIONS	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
ALA. CODE § 23-1-56	Department of Transportation	Statement under oath on forms prescribed by Department. Financial statements certified by CPA. Inventory of equipment. Lists of previous projects and sureties from previous 3 years.		<ol style="list-style-type: none"> 1. Sufficient net worth. 2. Competent and responsible. 3. Compliance with workers' compensation laws.
2 ALASKA ADMIN CODE § 12.500 Alaska Standard Specification § 102-1.01	Department of Transportation and Public Facilities	Contractors questionnaire. Contractor registration and license (for state funded projects). Bidder registration form.		<ol style="list-style-type: none"> 1. Satisfactory record of performance. 2. Legally qualified to contract in state. 3. Availability of necessary financing, equipment, personnel, facilities, expertise, and business and technical organization.
ARIZ. ADMIN. CODE 17-3-201 through 204	Contractor Prequalification Board (appointed by State Highway Engineer)	Application and financial statement compiled by independent CPA or public accountant registered and licensed by any state.		<ol style="list-style-type: none"> 1. Key personnel and their work experience. 2. Organizational structure. 3. History of past or current projects and contracts. 4. Company affiliations. 5. Equipment owned or controlled. 6. Any applicable licenses. 7. Type of work requested. 8. Individuals authorized to act on behalf of the contractor. 9. Any prequalification or bidding disputes with a government agency. 10. Financial condition.
ARK. CODE § 19-11-235	State Highway Commission	Financial statement and experience record on ques-	Contractor's license under ARK.	<ol style="list-style-type: none"> 1. Evidence contractor has been regularly engaged

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Ark. Standard Specifications § 102-01		questionnaire forms specified by Commission, certified by certified or registered public accountant.	STAT. § 17-22-101 not required for contracts of less than \$20,000, but must still pre-qualify.	<p>in type of work being bid and length of time.</p> <p>2. Evidence of necessary capital, machinery, material, and expert workers.</p>
CAL. PUB. CONTRACT CODE §§ 10160-10165	Department of Transportation	Standard questionnaire and Financial statement.	Prequalification is at option of department, but if required for one bidder must be required for all bidders on a given project.	<p>1. Financial responsibility.</p> <p>2. Experience.</p> <p>3. Any previous disqualification or debarment.</p> <p>4. Safety record.</p>
COLO. REV. STAT. § 24-92-107 2 COLO. CODE. Reg. 601-10	Department of Transportation	Application and supporting information, including financial statement.		<p>1. Financial responsibility.</p> <p>2. Equipment.</p> <p>3. Experience of organization and personnel.</p> <p>4. Whether previously debarred in any jurisdiction.</p> <p>5. Past record on DOT contracts.</p>
CONN. GEN. STAT. § 13a-95 Conn. DOT Construction Contract Bidding and Award Manual	Department of Transportation	Contractor's prequalification statement and financial statement attested by CPA.		<p>1. Financial condition and resources.</p> <p>2. Plant and equipment.</p> <p>3. Organization.</p> <p>4. Prior experience.</p> <p>5. Financial interest in any other construction business.</p> <p>6. Statement describing circumstances of any violation, nonresponsibility determination, or debarment.</p>
29 DEL. CODE § 6962(c)	Department of Transportation	Contractor questionnaire and any supplemental information requested. Audited financial statement.		<p>1. Experience.</p> <p>2. Performance reviews on previous contracts.</p> <p>3. Civil judgments and criminal history, sus-</p>

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				<p>pension or debarment, bankruptcy, or license revocation.</p> <p>4. Organization.</p> <p>5. Financial ability.</p>
<p>D.C. CODE § 2-303.04, 2-308.04</p> <p>Code of D.C. Regs. § 2200.4</p> <p>Standard Specifications § 102.01</p>	<p>Chief Procurement Officer, Office of Contracting and Procurement</p>		<p>Bidders who have not done comparable work for the District within the past 5 years may be required to prequalify at contracting officer's discretion; also prequalification approval in another State may be considered as alternative to filing D.C. qualification forms.</p>	<p>1. Adequate financial resources.</p> <p>2. Ability to comply with schedule, taking all other commitments into account.</p> <p>3. Satisfactory performance record.</p> <p>4. Satisfactory record of integrity and business ethics.</p> <p>5. Organization.</p> <p>6. Experience.</p> <p>7. Accounting and operational controls.</p> <p>8. Technical skills.</p> <p>9. Compliance with district licensing and tax regulations.</p> <p>10. Necessary equipment and facilities.</p> <p>11. Other qualifications necessary to receive award.</p>
<p>FLA. STAT. § 337.14</p> <p>FLA. ADMIN. CODE § 14-22</p>	<p>Department of Transportation</p>	<p>Application, audited financial statement.</p>	<p>Prequalification not required to bid on contracts under \$250,000.</p>	<p>1. Financial responsibility.</p> <p>2. Equipment.</p> <p>3. Organizational personnel.</p> <p>4. Satisfactory work performance record.</p>
<p>GA. CODE § 32-2-66</p> <p>Ga. Admin. Rules ch. 672-5</p>	<p>Department of Transportation</p>	<p>Application and questionnaire.</p> <p>Financial statement.</p> <p>List of equipment</p> <p>Letters of reference from</p>	<p>Required only for individual contracts in excess of \$500,000 or total contracts in excess of \$2 million.</p>	<p>1. Financial responsibility.</p> <p>2. Major plant and equipment.</p> <p>3. Organization and personnel.</p>

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		three other public agencies if no work done for DOT in previous 5 years.		4. Experience over past 3 years.
HAW. REV. STAT. § 103D-310	Procurement Policy Board	Financial statement and Standard Questionnaire.		1. Financial ability. 2. Resources. 3. Skills, capability. 4. Business integrity.
Standard Specifications § 102.01				
IDAHO CODE §§ 54-1910	Public Works Contractors License Board	Sworn application. Financial statement, which may include letter from bonding company. Oral or written examination, or both, required.	1. Officers of court acting in scope of office. 2. Public utilities. 3. Work on federal land. 4. Irrigation or drainage ditches. 5. Licensed architects or engineers. 6. Construction costing \$10,000 or less. 7. Governmental entity. 8. Installation of finished products, not fixtures. 9. Personal property. 10. Solid waste disposal sites.	1. Experience and general knowledge of building safety, health and lien laws, and basic administrative principles of contracting business. 2. Good character. 3. Contractor has not previously been refused a license.
Standard Specifications §§ 102.11, 107.03				
44 ILL. ADMIN. CODE § 650	Department of Transportation	Completed application; Statement of Experience, Equipment, and Financial Condition.	Department has authority to waive prequalification for specialized contracts.	1. Financial resources. 2. Performance. 3. Experience. 4. Equipment. 5. Capacity to perform.
IND. CODE § 8-23-10-1 through 8-23-10-8	Department of Transportation	Application. Financial statement, if for contract over \$1 million, must be audited.	Subcontracts of less than \$100,000.	1. Financial resources are adequate. 2. Competent and responsible.

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		Commission may investigate any aspect of application or statement.		
IOWA CODE § 314.1	Department of Transportation	Application form supplied by department.		<ol style="list-style-type: none"> 1. Financial Responsibility. 2. Equipment. 3. Experience.
KAN. STAT. § 75-37,104 KSDOT Contractor's Pre-qualification and Experience Questionnaire	Department of Transportation, in cooperation with Director of Purchases	Application, including financial statement.		<ol style="list-style-type: none"> 1. Financial rating. 2. Amount of required equipment. 3. Experience of organization and key personnel.
KY. REV. STAT. §§ 176-130, 176-140, 176-150 603 KY. ADMIN. RULES 2:015	Department of Highways	Application, including financial statement.		<ol style="list-style-type: none"> 1. Financial status. 2. Experience and organization. 3. Adequacy of plant and equipment. 4. Business ability. 5. Previous record.
LA. REV. STAT. §§ 37:2151 through 37:2163 Standard Specifications §§ 102.01, 102.02	State Licensing Board for Contractors	Financial statement prepared by auditor. References.	<ol style="list-style-type: none"> 1. Contracts for less than \$50,000. 2. Work on land owned by federal government. 3. Licensed engineers and architects. 4. Supervising work on own property. 5. Public utilities. 	<ol style="list-style-type: none"> 1. Financial responsibility. 2. Experience. 3. Equipment. 4. Organization and personnel.
23 ME. REV. STAT. §§ 13-753; 13-4206 MDOT Contractor Pre-	Department of Transportation	Financial statement and experience record.	<p>Contracts under \$150,000.</p> <p>Contractor previously prequalified and has completed two projects in</p>	<ol style="list-style-type: none"> 1. Sufficient experience. 2. Past record and personnel. 3. Record on safety, environmental, and civil

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qualification Form			last prequalification period. May be waived by commissioner.	rights. 4. Financial responsibility. 5. Previous denials or pre-qualification. 6. Claims history.
Maryland	State Highway Administration	Does not prequalify contractors.		
MASS. LAWS c. 29 § 8B 720 CODE MASS. Reg. 5.00	Commissioner of Highways	Application. Financial statement.	Contracts of less than \$50,000.	1. Financial responsibility. 2. Bonding capacity. 3. Experience. 4. Equipment. 5. Size and completion dates of other jobs. 6. Past performance on similar jobs.
MICH. ADMIN. CODE §§ 247.1 through 247.53	Department of State Highways and Transportation	Application Financial statement		1. Past performance on work of similar nature. 2. Financial resources. 3. Construction equipment and facilities. 4. Experience and key personnel.
Minn. Standard Specifications §§ 1201, 1213	Department of Transportation	Prequalification not required for bid submission; however, a written statement may be required prior to consideration of a bid or award showing experience of bidder and amount of capital and equipment available.		
MISS. CODE §§ 31-3-15; 31-3-21 Rules and Regulations of State Board of Contractors (2002)	State Board of Contractors	Application on form provided by Board, to be submitted with payment of special privilege tax. Financial statement signed by CPA. Certificate of general liability insurance.	Contracts of \$50,000 or less.	1. Experience, ability, and character. 2. Manner of previous performance. 3. Equipment. 4. Personnel. 5. Work completed and work on hand. 6. Apparent ability to satisfactorily perform work currently under contract. 7. Written or oral examination results.

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				8. Financial condition. 9. Any previous default under contractor licensing laws.
MO. REV. STAT. §§ 227.100, 227.105 7 MO. CODE REGS. §§ 10-15.010, 10-18.010	Department of Transportation	Audit report from bonding company.	Contracts under \$2 million. Contractors who have performed work for department within preceding 5 years.	1. Experience of contractor and key personnel. 2. Ability to complete work satisfactorily and on time. 3. Type of work contractor qualified to perform. 4. Designation of resident agent. 5. Value of works in progress. 6. Equipment available. 7. Insurance coverage. 8. Audit from bonding company.
MONT. ADMIN. R. § 18.3.201	Department of Transportation	Does not require prequalification; requires only registration with Department of Labor. Responsibility determined at time of bidding.		1. Financial resources adequate. 2. Adequate equipment, material, personnel, and facility. 3. Satisfactory record of integrity. 4. Legally qualified to contract with Commission. 5. Satisfactory record of performance.
NEB. REV. STAT. §§ 39-1351, 39-1352 Standard Specifications § 102.01	Department of Roads	Statement under oath showing qualifications. Financial statement certified by CPA. Letter of credit acceptable in lieu of financial statement for contracts under \$250,000.	Contracts of less than \$2,500; emergency contracts.	1. Financial resources. 2. Equipment. 3. Experience. 4. Performance record.
NEV. REV. STAT. § 408.333	Department of Transportation	Financial statement, questionnaire verified under oath.		Financial ability and experience in performing public works of similar nature.
N.H. CODE ADMIN. R. Tra-	Department of Transportation	Questionnaire and financial statement meeting stan-		1. Financial resources.

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401		Standard set out in rule; need not be certified for projects under \$500,000.		<ol style="list-style-type: none"> 2. Experience. 3. Record of completed projects, whether any defaults.
N.J. STAT. ANN. §§ 27:7-35.2 through 27:7-35.12 Department Regulations § 16:44-1	Department of Transportation	<p>Questionnaire with statement under oath.</p> <p>Certified financial statement.</p>		<ol style="list-style-type: none"> 1. Financial ability. 2. Adequacy of plant, equipment, and organization. 3. Record of prior performance.
N.M. STAT. 13-1-134 18 N.M. ADMIN. CODE § 27.5.3 through 27.5.15	Highway and Transportation Department	Questionnaire under oath.		<ol style="list-style-type: none"> 1. Financial resources. 2. Production or service facilities. 3. Personnel. 4. Service reputation. 5. Experience. 6. Must be licensed in New Mexico.
N.Y. Standard Specifications § 103-01	No qualification is required prior to bid opening. If requested by the Department of Transportation, the bidder must present evidence of ownership, corporate structure, ability, and financial standing, and a statement as to equipment.			
N.C. STANDARD SPECIFICATIONS § 102-2	Department of Transportation	Experience questionnaire and additional material requested by Department.		<ol style="list-style-type: none"> 1. Sufficient ability and experience. 2. History of successful and timely performance. 3. Financial ability to furnish bonds. 4. Sufficient equipment. 5. Available experienced personnel. 6. List of related completed work. 7. Identity of ownership. 8. Financial ability to complete work. 9. Safety Index Rating form.
N.D. CENT. CODE § 43-07-06	Department of Transportation	Financial statement, record of experience and equipment.	Not required for landscaping, rest areas, or electrical or	<ol style="list-style-type: none"> 1. Financial responsibility. 2. Organization. 3. Plant and equipment.

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Standard Specifications § 102.01			other specialty work.	4. Previous experience.
OHIO REV. CODE §§ 5525.02 through 5525.09 OHIO ADMIN. CODE §§ 5501:-2-3-1 through 10	Department of Transportation	Application form supplied by department. Certificate of compliance with affirmative action programs.	Not required for environmental remediation or specialty work for which no classes are established.	1. Net current assets or working capital to indicate ability to execute contract and meet obligations. 2. Equipment. 3. Past performance. 4. Experience. 5. Personnel and organization.
61 OKLA. STAT. § 118 OKLA. ADMIN. CODE § 730:25-3-1	Transportation Commission and Transportation Authority	Audited financial statement, certified by CPA. Experience questionnaire.	Department may waive requirement when in best interest of state and increase competition, and for work such as environmental or landscaping or other work that does not involve highway construction.	1. Financial resources. 2. Technical expertise.
OR. REV. STAT. §§ 279.029, 279.039 through 279.047	Department of Transportation	Financial statement, record of experience, and equipment.	Contracts under \$50,000.	1. Financial ability. 2. Sufficient equipment, material, personnel, and expertise. 3. Satisfactory record of performance. 4. Satisfactory record of integrity. 5. Legal ability to contract.
67 Pa. C.S. § 532; 67 PA. CODE §§ 467.1 through 467.12; Standard Specifications § 102.01(a)	Department of Transportation	Statement under oath on form supplied by department, including financial statement, contractor's organization and experience statement, and affirmative action statement.	Demolition contracts estimated at less than \$25,000; "miscellaneous work" determined to be not within purview of the law may be excluded by	1. Financial capacity. 2. Adequacy of plant and equipment. 3. Prior and current experience. 4. Organization and personnel. 5. Record of work done in

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			Deputy Secretary for Highway Administration, and so stated in bid advertisement.	past 5 years, and any liens, stop-work orders, or claims in last 5 years. 6. Whether ever failed to complete work, ever denied prequalification, or disqualified, or convicted of crime.
R.I. GEN. LAWS § 37-2-26 Standard Specifications § 102.01	Department of Transportation	List of equipment. Names of supervisory personnel and their qualifications. Financial statement and financial references. Certificate of nondiscrimination.		1. Financial resources. 2. Experience. 3. Equipment.
S.C. CODE § 11-35-1825 S.C. CODE of REG. 63-300 through 63-303	Department of Transportation	Sworn statement on form supplied by Department.		1. Prior performance. 2. Recent past references on performance. 3. Financial stability. 4. Experience on similar projects.
S.D. CODIFIED LAWS § 31-5-10 S.D. ADMIN. R. § 70:07:02. Standard Specifications § 2.1	Department of Transportation	Prequalification application with statement under oath, and financial information, which may be audited financial statement or certificate of surety from bonding firm.	Not required on contracts less than \$100,000.	1. Equipment. 2. Organization. 3. Prior experience. 4. Financial resources. 5. Any pending debarment proceedings.
TENN. CODE § 54-5-117 Standard Specifications § 102.01	Department of Transportation	Form supplied by department with statement under oath.		1. Financial responsibility. 2. Experience. 3. Organization and equipment. 4. Work currently underway.
43 TEX. ADMIN. CODE § 9.12	Department of Transportation	Questionnaire. CPA-audited financial statement if for project over \$300,000; may be unaudited if under that amount.		1. Financial condition. 2. Equipment. 3. Experience.

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		Certificate of Eligibility for federal aid projects.		
UTAH CODE § 63-56-20 Standard Specifications § 102.1	Department of Transportation	Application. Financial statement certified by CPA.	Contracts of less than \$500,000.	1. Financial resources and liabilities. 2. Equipment. 3. Past record. 4. Personnel.
19 VT. STAT. §§ 10, 1503 Code of Vt. Rules § 14-010-010 VDOT Contractor's Experience Questionnaire	Agency of Transportation	Experience questionnaire. Financial statement certified by CPA.		1. Financial ability. 2. Adequacy of plant and equipment. 3. Organization. 4. Prior experience.
VA. CODE § 33.1-12 Standard Specifications §§ 102.01, 102.8 24 Va. A. C. § 30-130-10 (DOT Rules Governing Prequalification and Certification)	Department of Transportation	Application. Financial statement. Workers' compensation certificates of insurance. Report of work underway.	Not required for specialty items.	1. Financial ability. 2. Organization. 3. Experience. 4. Equipment. 5. Work underway.
WASH. REV. CODE § 47.28.070 WASH. ADMIN. CODE 468-16-010 through 150	Department of Transportation	Standard questionnaire with statement under oath and financial statement. Limited prequalification questionnaire for projects under \$80,000.		1. Adequacy of financial resources. 2. Necessary experience. 3. Organization and technical competence. 4. Ability to meet performance schedule. 5. Satisfactory record of per-

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				formance.
				6. Integrity and skill on part of employees.
Standard Specifications § 1-02.1				
W. VA. CODE, 17-4-19	Division of Highways	Financial statement; record of experience and equipment.		1. Financial resources available.
W. Va. Code of State Rules § 157-3-4				2. Equipment, property, and other assets.
Stan. Specs. § 102.1				3. Organization and personnel.
WVDOT Pre-qualification Form (Contract Form SC 421)				4. Record of work accomplished.
				5. Past experience.
WIS. STAT. §§ 66.0901, 84.06	Department of Transportation	Application on form supplied by department.		1. Financial ability.
Standard Specifications § 102.11				2. Adequacy of plant and equipment.
				3. Organization.
				4. Prior experience.
WYO. STAT. § 24-2-108	Department of Transportation	Financial statement; record of experience.	Contracts of less than \$100,000.	1. Financial ability.
Transportation Rules and Regulations, ch. 6				2. Adequacy of plant and equipment.
				3. Organization.
				4. Past experience.
				5. "Other pertinent or material facts as may be desirable in the judgment of the Highway Superintendent."

