APPENDIX E

SUMMARY OF STATE LAWS AND REGULATIONS RELATING TO QUALIFICATION OF BIDDERS

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
ALA. CODE § 23-1-56	Department of Transportation	Application submitted annually 14 days prior to bid opening 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.		 Sufficient net worth. Competent and responsible. Compliance with workers' compensation laws.
2 ALASKA ADMIN CODE § 12.500 Alaska Standard Specifications § 102-1.01	Department of Transportation and Public Facilities	Contractors questionnaire. Contractor registration and license (for state funded projects). Bidder registration form submitted annually.		 Satisfactory record of performance. Legally qualified to contract in state. Availability of necessary financing, equipment, personnel, facilities, expertise, and business and technical organization.
ARIZ. ADMIN. CODE R §§ 17- 3-201 through 204	Contractor Prequalificatio n Board (appointed by State Highway Engineer)	Application and financial statement compiled by independent CPA or public accountant registered and licensed by any state submitted 15 days prior to bid opening. 15 month certification period		 Key personnel and their work experience. Organizational structure. History of past or current projects and contracts. Company affiliations. Equipment owned or controlled. Any applicable licenses. Type of work requested. Individuals authorized to act on behalf of the contractor. Any prequalification or bidding disputes with a government agency. Financial condition.

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
ARK. CODE § 19-11-235 Ark. Standard Specifications § 102-01	State Highway Commission	Financial statement and experience record on questionnaire forms specified by Commission, certified by certified or registered public accountant submitted 5 days prior to time rating is made. Period of certification equal to 1 year plus grace period of 4 months.	Contractor's license under ARK. STAT. § 17-22-101 not required for contracts of less than \$20,000, but must still prequalify.	1. Evidence contractor has been regularly engaged in type of work being bid and length of time. 2. Evidence of necessary capital, machinery, material, and expert workers.
CAL. PUB. CONTRACT CODE §§ 10160- 10165	Department of Transportation	Standard questionnaire and Financial statement. Application must be submitted at least 5 days prior to bid opening; must have been prequalified for at least 1 day prior to bid opening.	Prequalification is at option of department, but if required for one bidder must be required for all bidders on a given project.	 Financial responsibility. Experience. Any previous disqualification or debarment. Safety record.
Colo. Rev. Stat. § 24-92- 107 2 Colo. Code. Reg. § 601-10	Department of Transportation	Application and supporting information, including financial statement submitted 10 days prior to bid opening. Certification good for 1 year.		 Financial responsibility. Equipment. Experience of organization and personnel. Whether previously debarred in any jurisdiction. Past record on DOT contracts.
CONN. GEN. STAT. § 13a-95 Conn. DOT Construction Contract Bidding and Award Manual, Chapter VI.	Department of Transportation	Contractor's prequalification statement and financial statement attested by CPA submitted 30 days prior to requesting bid proposal form. Certification for 16 months from end of contractor's previous fiscal year. Must reapply at least 30 days prior to expiration.		 Financial condition and resources. Plant and equipment. Organization. Prior experience. Financial interest in any other construction business. Statement describing circumstances of any violation, nonresponsibility determination, or debarment.

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
29 DEL. CODE § 6962(c)	Department of Transportation	Contractor questionnaire and any supplemental information requested. Audited financial statement. Period of Certification equal to 1 year.		 Experience. Performance reviews on previous contracts. Civil judgments and criminal history, suspension or debarment, bankruptcy, or license revocation. Organization. Financial ability.
D.C. CODE §§ 2-353.01; 2-353.02 Code of D.C. Regs. Title 27 § 2200.4 Standard Specifications § 102.01	Chief Procurement Officer, Office of Contracting and Procurement	Period of Certification equal to 1 year	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.	 Adequate financial resources. Ability to comply with schedule, taking all other commitments into account. Satisfactory performance record. Satisfactory record of integrity and business ethics. Organization. Experience. Accounting and operational controls. Technical skills. Compliance with district licensing and tax regulations. Necessary equipment and facilities. Other qualifications necessary to receive award.
FLA. STAT. § 337.14 FLA. ADMIN. CODE § 14- 22.002	Department of Transportation	Annual application, audited financial statement. Department is allowed 30 days to process. Certification expires 16 months after date of last audited financial statement.	Prequalification not required to bid on contracts under \$250,000.	 Financial responsibility. Equipment. Organizational personnel. Satisfactory work performance record.

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
GA. CODE § 32- 2-66 Ga. Admin. Rules, ch. 672- 5	Department of Transportation	Application and questionnaire submitted 10 days prior to bid opening, must be updated and submitted annually. Financial statement. List of equipment Letters of reference from three other public agencies if no work done for DOT in previous 5 years.	Required only for any individual contracts in excess of \$2 million.	 Financial responsibility. Major plant and equipment. Organization and personnel. Experience over past 3 years.
HAW. REV. STAT. § 103D- 310 Standard Specifications § 102.01	Procurement Policy Board	Financial statement and Standard Questionnaire, after notice of intent to submit bid filed 10 days prior to bid opening.		 Financial ability. Resources. Skills, capability. Business integrity.
IDAHO CODE §§ 54-1903; 54- 1910 Standard Specifications §§ 102.11	Public Works Contractors License Board	Annual sworn application. Financial statement, which may include letter from bonding company. Oral or written examination, or both, required. Must be licensed prior to bid opening.	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.	 Experience and general knowledge of building safety, health and lien laws, and basic administrative principles of contracting business. Good character. Contractor has not previously been refused a license.
44 ILL. ADMIN. CODE, Part 650	Department of Transportation	Completed application, Statement of Experience, Equipment, and Financial Condition submitted 21	Department has authority to waive prequalification for specialized	 Financial resources. Performance. Experience.

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STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
		days prior to bid opening.	contracts.	4. Equipment.5. Capacity to perform.
IND. CODE §§ 8- 23-10-1 through 8-23- 10-8	Department of Transportation	Prequalification application and financial statement, if for contract over \$1 million, must be audited. Certification period of 2 years.	Subcontracts of less than \$300,000.	 Financial resources are adequate. Competent and responsible.
		Commission may investigate any aspect of application or statement.		
IOWA CODE § 314.1	Department of Transportation	Prequalification application form supplied by department submitted at least 5 calendar days prior to bid opening. Certification period of 18 calendar months.		 Financial Responsibility. Equipment. Experience.
KAN. STAT. § 75-37,104 KSDOT Contractor's Prequalification and Experience Questionnaire	Department of Transportation,	Application, including financial statement submitted at least 7 days prior to bid opening.		 Financial rating. Amount of required equipment. 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 at least 15 days prior to bid opening. Certificate expires 120 days after end of applicant's fiscal year. Contractor expected to reapply no later than 90 days after end of fiscal year.		 Financial status. Experience and organization. Adequacy of plant and equipment. Business ability. Previous record.
La. Rev. Stat. §§ 37:2151 through 37:2163	State Licensing Board for Contractors	Financial statement prepared by auditor. References. License expires on December 31 of year in which it was issued.	1. Contracts for less than \$50,000. 2. Work on land owned by federal government. 3. Licensed	 Financial responsibility. Experience. Equipment. Organization and personnel.

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
Standard Specifications §§ 102.01, 102.02			engineers and architects. 4. Supervising work on own property. 5. Public utilities.	
23 Me. Rev. Stat. § 4243 MDOT Contractor Prequalifi cation Form	Department of Transportation	Financial statement and experience record at least 10 days prior to bid opening. Period of Certification equal to 3 years	Contracts under \$300,000. Contractor previously prequalified and has completed two projects in last prequalification period. May be waived by commissioner.	 Sufficient experience. Past record and personnel. Record on safety, environmental, and civil rights. Financial responsibility. Previous denials or prequalification. Claims history.
Mass. Laws c. 29 § 8B 720 Code Mass. Reg. 5.00	Commissioner of Highways	Application. Financial statement. Period of Certification equal to 1 year.	Contracts of less than \$50,000.	 Financial responsibility. Bonding capacity. Experience. Equipment. Size and completion dates of other jobs. Past performance on similar jobs.
MICH. ADMIN. CODE §§ 247.1 through 247.53	Department of State Highways and Transportation	Application and financial statement submitted at least 15 days prior to bid opening. Certification expires 15 ½ months after end of fiscal year. Must reapply annually.		 Past performance on work of similar nature. Financial resources. Construction equipment and facilities. 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.		

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MISS. CODE §§ 31-3-15; 31-3- 21 Rules and Regulations of State Board of Contractors, Rule 1.1 Code of Miss. Rules 50-023- 001	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. Documents submitted annually. Period of Certification equal to 1 year	Contracts of \$50,000 or less.	 Experience, ability, and character. Manner of previous performance. Equipment. Personnel. Work completed and work on hand. Apparent ability to satisfactorily perform work currently under contract. Written or oral examination results. Financial condition. Any previous default under contractor licensing laws.
Mo. Rev. Stat. §227.105 7 Mo. Code Regs. §§ 10- 15.010, 10- 18.010	Department of Transportation	Audit report from bonding company. Prequalification contractor questionnaire form available online Period of Certification equal to 1 year Documents submitted at least 7 days prior to bid opening.	Contracts under \$2 million. Contractors who have performed work for department within preceding 5 years.	 Experience of contractor and key personnel. Ability to complete work satisfactorily and on time. Type of work contractor qualified to perform. Designation of resident agent. Value of works in progress. Equipment available. Insurance coverage. 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.		 Financial resources adequate. Adequate equipment, material, personnel, and facility. Satisfactory record of integrity. Legally qualified to contract with Commission. Satisfactory record of

STATE	CERTIFYING AGENCY	APPLICATION AND OTHER DOCUMENTS; PERIOD OF CERTIFICATION	EXEMPTION FROM CERTIFICATION	CRITERIA FOR CERTIFICATION
				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. Documents submitted not less than 10 days prior to bid opening. Period of Certification equal to 15 months.		1. Financial resources. 2. Equipment. 3. Experience. 4. Performance record.
NEV. REV. STAT. § 408.333	Department of Transportation	Prequalification financial statement, questionnaire verified under oath submitted in sufficient time for processing prior to bid opening.		Financial ability and experience in performing public works of similar nature.
N.H. CODE ADMIN. R. Tra- 401	Department of Transportation	Questionnaire and financial statement meeting standard set out in rule submitted at least 8 days prior to bid opening. Period of Certification equal to 1 year. Expires a year and 3 months from date of last financial statement.		 Financial resources. Experience. Record of completed projects, whether any defaults.
N.J. STAT. ANN. §§ 27:7-35.2 through 27:7- 35.12 Department Regulations § 16:44	Department of Transportation	Questionnaire with statement under oath.and certified financial statement submitted at least 15 days prior to bid opening. Period of Certification equal to 18 months		 Financial ability. Adequacy of plant, equipment, and organization. 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 submitted not less than 7 days prior to bid opening.		 Financial resources. Production or service facilities. Personnel. Service reputation. Experience. Must be licensed in New

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				Mexico.
N.Y. Standard Specifications § 103-01		present evidence of ownership, ostatement as to equipment.	corporate structure	, ability, and financial
N.C. Standard Specifications § 102-2	Department of Transportation	Experience questionnaire and additional material requested by Department submitted at least 2 weeks prior to bid opening. Period of Certification equal to 24 months.		 Sufficient ability and experience. History of successful and timely performance. Financial ability to furnish bonds. Sufficient equipment. Available experienced personnel. List of related completed work. Identity of ownership. Financial ability to complete work. Safety Index Rating form.
N.D. CENT. CODE § 43-07- 15 Standard Specifications § 102.01	Department of Transportation	Financial statement, record of experience and equipment submitted at least 7 days prior to bid opening. Period of Certification equal to 12 months	rest areas, or	 Financial responsibility. Organization. Plant and equipment. Previous experience.
OHIO REV. CODE §§ 5525.02 through 5525.09 OHIO ADMIN. CODE §§ 5501:- 2-3-1 through	Department of Transportation	Application form supplied by department. Certificate of compliance with affirmative action programs. Department has 30 days to process application. Period of Certification equal to 12 months.	Not required for environmental remediation or specialty work for which no classes are established.	 Net current assets or working capital to indicate ability to execute contract and meet obligations. Equipment. Past performance. Experience. Personnel and organization.
61 OKLA. STAT. § 118 OKLA. ADMIN.	Transportation Commission and Transportation	Audited financial statement, certified by CPA and experience questionnaire submitted 14 days prior to bid	Department may waive requirement when in best	 Financial resources. Technical expertise.

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Code § 730:25- 3-1	Authority	opening. Period of Certification equal to 12 months after initial prequalification, then 2 years from acceptance of contractor's last project.	interest of state and increase competition, and for work such as environmental or landscaping or other work that does not involve highway construction.	
Or. Rev. Stat. §§ 279B.110; 279B.120	Department of Transportation	Financial statement, record of experience, and equipment submitted 10 days prior to bid opening. Period of Certification equal to 12 to 36 months.	Contracts under \$50,000.	 Financial ability. Sufficient equipment, material, personnel, and expertise. Satisfactory record of performance. Satisfactory record of integrity. Legal ability to contract.
62 Pa. C.S. § 532; 67 Pa. Code, chapter 457 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 submitted at least 10 working days prior to bid opening. Period of Certification equal to 30 months from contractor's last balance sheet.	Demolition contracts estimated at less than \$25,000; "miscellaneous work" determined to be not within purview of the law may be excluded by Deputy Secretary for Highway Administration, and so stated in bid advertisement.	 Financial capacity. Adequacy of plant and equipment. Prior and current experience. Organization and personnel. Record of work done in past 5 years, and any liens, stop-work orders, or claims in last 5 years Whether ever failed to complete work, ever denied prequalification, or disqualified, or convicted of crime.
R.I. GEN. LAWS § 37-2-26 R. I. Procurement Regs. § 12. 102.01	Department of Transportation	List of equipment. Names of supervisory personnel and their qualifications. Financial statement and financial references. Certificate of		 Financial resources. Experience. Equipment.

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		nondiscrimination.		
S.C. CODE § 57- 5-1650	Department of Transportation	Sworn statement on form supplied by Department submitted 7 days prior to bid opening.		 Prior performance. Recent past references on performance.
S.C. CODE of REG. §§ 63-300 through 63-307		Period of Certification equal to 12 months		3. Financial stability.4. Experience on similar projects.
S.D. CODIFIED LAWS § 31-5-10 S.D. ADMIN. R. § 70:07:02.	Department of Transportation	Prequalification application with statement under oath, and financial information, which may be audited financial statement or certificate of surety from	Not required on contracts less than \$100,000.	 Equipment. Organization. Prior experience. Financial resources. Any pending debarment
Standard Specifications § 2.1		bonding firm.		proceedings.
TENN. CODE § 54-5-117	Department of Transportation	Form supplied by department with statement under oath submitted 14 days prior to bid opening.		 Financial responsibility. Experience. Organization and equipment.
Specifications § 102.01		Period of Certification equal to 18 months.		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, and Certificate of Eligibility for federal aid projects submitted by noon on day prior to bid letting.		 Financial condition. Equipment. Experience.
		Period of Certification equal to 12 months plus 3-month grace period for renewal.		
UTAH CODE § 63G-6-401(8)	Department of Transportation	Annual application and financial statement certified by CPA.	Contracts of less than \$1.500,000.	 Financial resources and liabilities. Equipment.
Standard Specifications § 001201.6		Agency is allowed 10 working days to process application.		3. Past record. 4. Personnel.
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VT.	Agency of	Experience questionnaire and		1. Financial ability.

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Transportation Policies and Procedures for Prequalification, Bidding and Awarding of Contracts § 2-6 VDOT Contractor's Experience Questionnaire	Transportation	financial statement certified by CPA submitted 5 working days prior to bid opening. Period of Certification equal to 12 months. Certificate expires 3 months after end of contractor's fiscal year.		 Adequacy of plant and equipment. Organization. Prior experience.
VA. CODE § 33.1-12(b) Road and Bridge Specifications §§ 102.01, 102.8	Department of Transportation Comm.	Application, financial statement, workers' compensation certificates of insurance, and report of work underway submitted 30 calendar days prior to bid submission. Period of Certification equal to 12 months.	Not required for specialty items.	 Financial ability. Organization. Experience. Equipment. Work underway.
VDOT Application Rules Governing Prequalificatio n and Certification)				
				6.
Wash. Rev. Code §§ 18.27; 47.28.070 Wash. Admin. Code §§ 468- 16-010 through 150 Standard Specifications § 1-02.1	Department of Transportation	Standard questionnaire with statement under oath and financial statement submitted 15 days prior to bid opening. Period of Certification equal to 12 months.		 Adequacy of financial resources. Necessary experience. Organization and technical competence. Ability to meet performance schedule. Satisfactory record of performance. Integrity and skill on part of employees.
W. VA. CODE, § 17-4-19	Division of Highways	Financial statement; record of experience and equipment submitted 15 days prior to bid opening.		Financial resources available. Equipment, property, and

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W. Va. Code of State Rules § 157-3-4				other assets. 3. Organization and personnel. 4. Record of work accomplished.
Stan. Specs. § 102.1				5. Past experience.
WVDOT Prequalifica- tion Form (Contract Form SC 421)				
Standard Specifications § 102.1	Department of Transportation	Application on form supplied by department.		 Financial ability. Adequacy of plant and equipment. Organization. Prior experience.
WYO. STAT. § 24-2-108 Transportation Rules and Regulations, ch. 6 WCWR-045- 000-006	Department of Transportation	Financial statement; record of experience submitted no sooner than 30 days or less than 5 days prior to bid letting. Period of Certification equal to 15 months.	less than \$200,000.	 Financial ability. Adequacy of plant and equipment. Organization. Past experience. "Other pertinent or material facts as may be desirable in the judgment of the Highway Superintendent."