

RESOLUTION

A RESOLUTION PERTAINING TO THE CONTRACTORS PRE-QUALIFICATION BOARD; ADOPTING STANDARDS AND PROCEDURES THEREFORE; REQUIRING BOARD EXAMINATION AND APPROVAL OF BIDDERS ON PUBLIC IMPROVEMENT WORK; AND RESCINDING ALL RESOLUTIONS, OR PARTS OF RESOLUTIONS, AND SPECIFICATION STANDARDS IN CONFLICT HEREWITH.

WHEREAS, it is the intent of the City government to encourage open competitive bidding from competent, experienced contractors for public works projects; and

WHEREAS, it is deemed necessary, advisable, and in the best interests of the City of Oklahoma City and the public generally to establish standards, procedures, and organization for the purpose of best affording and providing the City of Oklahoma City and the City Council thereof the necessary opportunity to determine bidder's qualifications for the lowest and best bidder on any public improvement work as hereinafter defined; and

WHEREAS, said qualifications, competency and ability of all bidders for public improvement work as herein defined can best be examined and ascertained by a competent Board established for that purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Oklahoma City:

SECTION 1. Definitions

- (a) "Public Improvement Work" is defined to be any building, highway, street, sewer, pavement, waterline, sidewalk, or any other improvement or structure which is constructed, altered or repaired under contract with the City of Oklahoma City and any instrumentality thereof.
- (b) "Board" is defined to be the Contractors Pre-Qualification Board as created and established by this Resolution.
- (c) "Person" is defined to be any individual, firm or corporation, association, partnership, co-partnership, or any other organization.
- (d) "Contractors" is defined to be any person, firm or corporation who bids on public improvement work.

SECTION 2. Membership

The Contractors Pre-Qualification Board for the City of Oklahoma City shall consist of the City Manager, the Director of Community Development Department, the Director of the Water Department, and the City Auditor, or their designated representatives. The City Clerk and the Municipal Counselor shall be non voting members of the Board. The City Manager shall be Chairman of the Contractors Pre-Qualification Board.

SECTION 3. Powers and Duties

A. The Said Board shall meet on the First Wednesday of each month to examine qualifications of all and any applicants for the pre-qualification approval, required and adopted by this Resolution and/or at such times as deemed necessary by the Chairman of the Board.

Said Board in determining the qualifications of each applicant for said pre-qualification approval must, among other things, consider the following:

1. Experience.
2. Ability to perform work and carry out required maintenance for a contractual period of time. Failure to carry out required maintenance within 30 days shall be cause for suspension under Section 4.
3. Manner of performance of previous contracts.
4. Financial responsibility as determined by a financial statement prepared by a Certified Public Accountant, or a certificate by officers who are authorized to sign for the firm with the provision that the Pre-Qualification Board may require one or the other in its review processes, and a letter of assurance directly from a bonding company licensed to do business in the State of Oklahoma.
5. Reliability.
6. Availability, ownership, and quality of necessary equipment. In considering contractors' equipment, the Pre-Qualification Board, may, at its discretion, accept evidence that equipment will be available on bona fide lease agreement.
7. Any other fact tending to demonstrate ability and willingness to conserve and protect the public health and safety and the general welfare of the City of Oklahoma City; and
8. Compliance with the ordinance of the City of Oklahoma City and the laws of the State of Oklahoma and the United States.

B. When the result of the examination of any applicant shall be satisfactory to the Board, the said Board shall certify approval to the City Clerk.

The City Clerk shall, upon receipt of certificate by the Board of the result of examinations, immediately cause notice to be sent to the applicants of said result.

The City Clerk shall keep a record of all applications for Contractors Pre-Qualification Approval showing for each the date of application, name of applicant, place of business, place of residence and whether approval was refused, granted or limited, and any other pertinent information the Board finds necessary to keep and record, including whether the approval has been suspended or revoked.

C. The City Clerk must return all bids to the bidder unopened when the record reveals that said bidder does not possess the pre-qualification approval as provided for this Resolution.

SECTION 4. Procedures for Revocation or Suspension of Pre-Qualification

Said Board shall at any time have the power to revoke or suspend the approval of any person who is guilty of any fraud or deceit in obtaining approval, or for other good cause. The Director of Community Development Department may at any time recommend suspension of any person for cause and submit his justification for suspension or revocation, in writing, to the Board for consideration at the next regular meeting or at a special meeting.

- (a) Manner in which revocation or suspension proceedings are to be conducted. Proceedings for revocation or suspension of pre-qualification shall be undertaken by the Pre-Qualification Board.
- (b) Investigation of Complaints. All complaints touching upon competency or qualification of contractor

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shall be referred to the Director of Community Development Department, who shall cause an investigation to be made. Written documentation of the complaints shall be forwarded to the Secretary of the Board for inclusion in the Contractor's file.

- (c) Notice of Proceedings. Prior to any action for suspension or revocation, the Board shall instruct the Secretary to give ten (10) days notice thereof by certified mail to the Contractor, that the revocation or suspension of his pre-qualification will be considered at the next regular or special meeting of the Pre-Qualification Board. The date of such meeting shall not be less than ten (10) days from the date of the notice; however, for good cause shown, the contractor may waive in writing the ten (10) day notice and request consideration of the complaint at a regularly scheduled meeting or a special meeting to be held not less than forty-eight (48) hours subsequent to the giving of public notice.

Cause for investigation shall include but not be limited to the following:

- (1) Notification of bonding company to withdraw bonds for future work.
 - (2) Striking or otherwise physically harming a City employee.
 - (3) Performs work on public right-of-way or easement illegally without proper permission.
 - (4) Failure to comply with stop work order.
- (d) Action by the Pre-Qualification Board. The Board shall thereupon undertake to consider the complaint and either revoke or suspend the pre-qualification or dismiss the complaint.

SECTION 5. Appeals from Orders of the Pre-Qualification Board

- (a) Notice of appeal to be filed with the Secretary of the Pre-Qualification Board. The Contractor shall have the right to appeal the order of the Pre-Qualification Board relating to the revocation or suspension of their pre-qualification to the City Council by filing a written notice of appeal with the Secretary of the Pre-Qualification Board within ten (10) days from the date of the order. The notice shall set forth the grounds for the appeal.
- (b) Notice and records to be sent to the City Council. Upon the filing of such notice the Secretary of the Board shall forthwith transmit all of its records and orders pertaining thereto to the City Council.
- (c) City Council to hold hearing in summary manner. The City Council, after a hearing is had in summary manner, may sustain or reverse the order of the Pre-Qualification Board.

SECTION 6. Applications

A. Only pre-qualified contractors will be permitted to bid upon construction and maintenance work of the City of Oklahoma City, Oklahoma. All applications for said approval must be made upon Standard Questionnaire and Financial Statement forms, copies

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of which are attached hereto and are the same used by the State Department of Transportation, and certain information prescribed therein. Said Information and Financial Statement shall be no more than 1 year old when submitted to the Pre-Qualification Board of the City of Oklahoma City and shall be held for review by the Board for a period of not more than 90 days, prior to issuance of said pre-qualification approval.

B. In making application, the applicant shall itemize the specific type of construction on which he desires to bid, in accordance with the City's established categories of work.

C. The applicant must show positive proof of his intention to perform and maintain for the specified period of maintenance bond tenure by (1) establishing in the ~~City of Oklahoma City~~, ^{metropolitan area} in addition to an office and a telephone, a yard equipped with proper type of equipment to construct and maintain all types of work on which he is pre-qualified to bid. This equipment must be available 24 hours a day. This office shall be staffed by competent employees approved by the City Engineer under whose supervision the work will be performed. This office and yard as equipped shall have been established prior to the time the applicant submits his application for qualification; or (2) applicant shall have retained by the City of Oklahoma City a sum equal to 15% of the total contract amount for the extent of the maintenance period. Said funds may be used by the City to insure compliance with maintenance obligations of the City; or (3) applicant shall provide a properly executed Non-Resident Defect Maintenance Bond provided by a Surety authorized to do business in the State of Oklahoma, a non-resident for the purpose of this provision being a contractor who has not complied with (1) or (2) above. (Exhibit attached.)

D. All pre-qualification approval must be renewed annually.

E. For the purpose of affording the City of Oklahoma City and Board necessary opportunity to examine the bidders for public improvement work, to determine bidder's qualifications for the lowest and best bidder, no person shall be eligible to bid on any public improvement work as advertised by the City of Oklahoma City's City Council without first obtaining the pre-qualification approval required herein.

SECTION 7. Permits, Licenses, and Proof of Payment of Taxes

A. After pre-qualification approval by the Board, the Contractor must secure all permits and licenses as may be required by city ordinance or charter, or by state statute, and must exhibit the same to the appropriate City officials as a prerequisite to submitting a bid on any contract.

B. As a prerequisite to the City owing and the Contractor receiving the final payment due upon any contract, the Contractor must submit to the appropriate City officials evidence that he has filed the returns required and has paid all income, sales, use, personal property, or other taxes as may be due to the City, County, or the State of Oklahoma during the period of time in which the contract was performed or during which materials were purchased for use on the contract.

SECTION 8. Repeal

All resolutions or parts of resolutions and specifications in conflict herewith are hereby repealed.

ADOPTED AND APPROVED this 28th day of February, 1978.

Patience Letting
MAYOR

ATTEST:
Thomas P. Hulley
CITY CLERK

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Approved February 22, 1978
John K. Ratcliffe
asst Municipal Councilman
Reso. # 3797