

# Denver Water Capital Projects Contractor Prequalification

## REQUEST FOR QUALIFICATIONS

Denver Water (DW), in an effort to improve the administration and efficiency of our Capital Projects, initiated a Contractor prequalification process which began in January of 2016. All Contractors desiring to bid/propose on DW's Capital Projects must submit their Statement of Qualifications (SOQ) described in this document. The following Request for Qualifications (RFQ) outlines the requirements for the submission.

This RFQ is for General Contractors and Subcontractors only that are requesting to be prequalified for potential selection to bid/propose on Denver Water's Capital Projects. It is not for professional services including consulting, testing, or other non-construction related services. Also, this RFQ does not apply to 20-inch and smaller pipeline Contractors that install or modify water mains for Developers or development projects. Projects of this scope fall under Plan Reviews; for smaller diameter piping prequalification see [Plan Reviews](#).

***Before submitting an SOQ, please thoroughly review this RFQ, specifically the table on pages 4-5 listing the specific Contractor disciplines. Your company must select the applicable discipline to prequalify for and must list the projects and the experience for that discipline. Only the specific disciplines for the types of projects that Denver Water performs are listed. Your company may not fit into one of the outlined disciplines and consequently we do not have projects that fit the type of work that your company performs (e.g. stormwater and small diameter piping). If you are unsure about your company's work experience fitting into one of the disciplines, please email or call us before completing the RFQ.***

### **SECTION 1: INTRODUCTION, PROCESS DESCRIPTION**

#### **1.1 INTRODUCTION**

The prequalification process will require Contractors to submit one time for a four-year period for each specific discipline of work. If approved, they will be placed on an approved Prequalified Contractor List (PCL) which DW will select from to solicit bids/proposals for each project. At the end of the four-year period, DW, at its discretion, may request renewal documents including, but not limited to, an updated Contractor Information Form, a current Chart of Organization, and updated security related documents or will advertise another prequalification RFQ. Contractors may submit at any time during the four-year period.

##### **1.1.1 BENEFITS**

This process will benefit Contractors and DW in the following ways:

- Address Contractors' concerns about multiple repetitive qualification submittals, too many bidders/proposers, and competing against unqualified contractors.
- Save a great amount of cost and time by greatly reducing the number of required RFQs, SOQ submissions, evaluations, approvals, and notifications.
- Ensure successful timely project delivery by matching the Contractor's capabilities with the different types of DW projects.
- Allow new business partners to be evaluated for future projects at any time through the open invitation process.
- Deliver a competitive selection by ensuring at least two, and generally no more than four, qualified bidders compete for projects through the Letter of Intent (LOI) to bid/propose process.
- Allow Contractors to bid/propose on more substantial projects by first successfully completing smaller/less complex projects.
- Maintain an open RFQ to all interested contractors at all times.

## 1.2 PREQUALIFICATION PROCESS

### 1.2.1 Process Steps

#### Step 1 – RFQ Advertisement, solicit SOQs from Contractors

DW will advertise the RFQ (this document) and solicit SOQs for Contractors and Subcontractors interested in bidding/proposing on Capital Projects. The RFQ requires a Contractor to submit their qualifications for one or more specific disciplines. Disciplines are listed in Section 1.2.3.

#### Step 2 – DW Evaluation of Contractor SOQs

DW will review and evaluate Contractor SOQs as detailed in Section 3 and document its decision accordingly.

#### Step 3 – Approved Contractors List

All approved Contractors will be placed on the PCL and this approval will remain in effect for a four-year period beginning January 1, 2025. During these four years, the Contractor is not required to submit a prequalification package again until the following four-year cycle begins on January 1, 2029, or provide updated documents as requested. Contractors may submit to be qualified at any time during the four-year cycle.

The PCL will continually be updated on DW's Website when new Contractors have been qualified and will list the approved companies in their applicable discipline or disciplines.

(<https://www.denverwater.org/contractors/bid-and-contract-opportunities/capital-project-prequalification>).

#### Step 4 – DW invites Contractors from the PCL to Bid/Propose on Capital Projects

For all Capital Projects, DW will solicit bids/proposals using only Prequalified Contractors approved on the PCL.

- 1) The number of bidders/proposers invited will depend on the project type, security, size, complexity, and other factors. DW will typically select no more than four Contractors from the PCL and invite them to bid/propose.
- 2) A LOI to bid/propose will be requested from the invited Contractors. If interested in bidding/proposing, the Contractor is required to sign and return the LOI to DW notifying us they will commit the resources to bid/propose the project. Upon receiving a sufficient number of LOIs, DW will no longer solicit Contractors for bidding/proposing a specific project. See Appendix A – LOI. Denver Water attempts to solicit LOIs three months in advance from project bids/proposals which is intended to give Contractors adequate notice to determine if your company is interested and for planning purposes. Denver Water does expect if the LOI is returned and signed the company is committed to bid/propose the project. If your company has signed the LOI and then must withdraw for certain reasons, please notify Denver Water as soon as possible so that we may obtain another LOI from another company. On the first page of the Contractor's General Information Form, DW requires the name of the appropriate person and email address to notify Contractors of an upcoming project and to send them a LOI. Please ensure you have listed the correct person(s) to administer the form.
- 3) The majority of our projects are located in secure sites (e.g., water treatment facilities, dams, hydropower facilities, and other critical infrastructure) and are classified as Restricted or Highly Restricted. As part of this RFQ you must also submit information and sign affidavits to be qualified to access our secure project sites and if approved, will then be placed on the Security Prequalified Contractor/Consultant List (SPCL). Security documents are attached in Appendix B and are described below.
  - a. Non-Disclosure Agreement (NDA): Signed NDA certifies the Contractor's commitment to manage the use and distribution of confidential DW information, including but not limited to project bid/proposal documents, contract documents, or

other information related to a secure project. Contractor acknowledges that any confidential information they receive as a DW Restricted or Highly Restricted project approved Contractor will be bound to the restrictions of the NDA for all potential future work.

- b. A description including the protocol of Contractor's drug and alcohol screening program and the type and number of employees subject to Contractor's drug screening protocol.
- c. Personnel Screening Expectations Affidavit: Signed and notarized Personnel Screening Expectations Affidavit form certifies the Contractor's commitment to complete employee background screening procedures (criminal history and/or credit check), including certified background checks as defined for specific DW projects. Contractors working on Restricted projects will also be subject to DW access requirements and that certain locations may also require additional training requirements.
- d. Intermittent Audit Consent and Affidavit: Signed and notarized Intermittent Audit Consent and Affidavit form certifies the Contractor's agreement to permit DW Personnel to intermittently visit Contractor facilities in order to conduct audits of records related to employee background, drug and alcohol checks as other security records associated with an awarded contract.

The DW SPCL is posted at: <https://www.denverwater.org/sites/default/files/2017-05/security-prequalification-contractor-list.pdf>

### **Step 5 – DW Awards Project to Contractor**

Upon receiving bids/proposals from Contractors, DW will award the project to the selected Contractor. Contract award will typically be based on the lowest responsive bidder. For projects requiring proposals, DW will make a selection based on the specified selection criteria (e.g. project approach, scheduling, project personnel, etc.).

### **Step 6 – Contractor Evaluation**

At the completion of each project, the DW project team will evaluate each Contractor on their performance. Categories of the evaluation include: the ability to manage the project, resources, problem solving, project controls, safety, schedule, execution, coordination and communication, ability to work with both internal and external project stake holders, closeout, etc. The rating will be used by DW to help select Contractors to bid/propose on future projects and if necessary, to remove Contractors from the list as described in Section 1.2.2.

#### **1.2.2 On/Off Ramp**

This Prequalification Process gives Contractors the ability to get on the PCL (On Ramp), and DW to remove (Off Ramp) Contractors from it if necessary. These factors are based on the SOQ evaluation, and the future performance of the Contractor.

##### **1.2.2.1 On Ramp**

Contractors who desire to be on DW's PCL must submit one SOQ for each discipline of work they want to be prequalified for, as described herein. This process is open for submission at any time; however, Contractors are encouraged to submit their SOQ before specific projects are advertised, as Contractor selections for these invitations may have already been made. If denied approval status, Contractors have the ability to appeal within thirty days and DW may grant the Contractor the ability to submit additional information that would assist with a reevaluation. These appeals will be evaluated by the designated review committee.

Contractors may not submit a second time on the same discipline within the four-year cycle if they were not approved, unless a substantial change in the basis for qualification

has occurred within the organization (e.g., acquiring more relevant project experience, new qualified management and personnel, new company, or other additional resources).

### 1.2.2.2 Off Ramp

Following project completion, performance evaluations of the associated prequalified Contractors will be completed as described above. This performance evaluation will be used to select Contractors for future projects as well as remove them from the prequalified list. The Contractor may be removed from the list if they perform unsatisfactorily. If a Contractor has to be removed from the PCL, the Contractor will be allowed to re-apply when the current four-year cycle is up.

### 1.2.3 Contractor Disciplines

The following table lists all disciplines for which DW will prequalify Contractors. The PCL will be divided into each of these disciplines, from which DW will select Contractors according to the type of project being advertised.

Only the specific disciplines for the types of projects that Denver Water performs are listed. Your company may not fit into one of the outlined disciplines and consequently we do not have projects that fit the type of work that your company performs (e.g., stormwater and small diameter piping).

- Contractors may submit an SOQ to be prequalified for several different disciplines. Separate SOQs must be submitted for each discipline as detailed in the Section 3 - Proposal (SOQ) Content and Selection Process, with the SOQ content listing specific project experience and resources for each discipline submission.
- For each discipline listed below, DW is qualifying Contractors that will serve as a General Contractor on Capital Projects, unless the discipline is noted under Subcontractor Disciplines in the table below. If you are qualified as a General Contractor for a discipline, you will also be qualified as a Subcontractor for that discipline.
- For the Subcontractor disciplines, DW may specify that only prequalified Subcontractors be used on certain projects. The General Contractor can only solicit bids/proposals from the Subcontractors listed for that project.

Contractor Type	Contractor Disciplines
Civil Infrastructure	<ul style="list-style-type: none"> <li>• Civil – Pipelines (Conduits 24-inch and larger, main replacements)</li> <li>• Civil – Vaults (Must be a General Contractor with multi-discipline management experience)</li> <li>• Landscaping, Fencing and Irrigation</li> <li>• Roofing</li> <li>• Structural Repair (Epoxy Grouting and crack repair, concrete repair)</li> <li>• Vertical Construction</li> <li>• Tunneling</li> </ul> <p><u>Subcontractor Disciplines</u></p> <ul style="list-style-type: none"> <li>• Horizontal Direction Drilling</li> <li>• Dewatering Contractors (Specializing in design and installation of dewatering systems)</li> </ul>
Treatment	<ul style="list-style-type: none"> <li>• General Contractor - Water Treatment and Pump Stations</li> </ul>
Heavy Civil (Dams, etc.)	<ul style="list-style-type: none"> <li>• Heavy Civil (Specializing in large dam projects)</li> <li>• Geotechnical (Micropiles, MSE Walls, and Rock Stabilization)</li> <li>• Earthwork (Specializing in large civil projects)</li> <li>• Slurry Walls</li> </ul>
Corrosion	<ul style="list-style-type: none"> <li>• Cathodic Protection</li> <li>• Industrial Painting &amp; Polymeric Protective Coatings</li> </ul>

<b>Contractor Type</b>	<b>Contractor Disciplines</b>
Electrical	<ul style="list-style-type: none"> <li>• Electrical General Contractor</li> </ul> <p><i>Subcontractor Discipline</i></p> <ul style="list-style-type: none"> <li>• Electrical – Instrumentation and Control</li> <li>• Electrical – Communications</li> </ul>
Mechanical	<ul style="list-style-type: none"> <li>• Mechanical – General (Specializing in large mechanical projects with process piping, hydro or pumping system installations)</li> <li>• Mechanical – Millwright</li> <li>• Mechanical – HVAC</li> <li>• Mechanical – Plumbing</li> <li>• Mechanical – Building Automation System (BAS) – Must be a Reliable Controls authorized dealer/certified installer for approval in this discipline</li> </ul>
Commissioning	<p><i>Subcontractor Discipline</i></p> <ul style="list-style-type: none"> <li>• Commissioning Manager - Specializing in management of facility commissioning and start-up of complex systems</li> </ul>

#### **1.2.4 Annual Capital Project List**

DW will publish a list of our anticipated Capital Projects for the upcoming year and update as necessary. The list will provide Contractors with general information for anticipated projects with estimated dates, scope, and costs for the year. This list, along with the PCL, will provide MWBE Certified firms and Subcontractors an opportunity to communicate with the prequalified Contractors on projects that are of interest to them. The provided information is preliminary and guaranteed to change with the development of the projects. However, it does provide general planning information.

#### **1.2.5 Specific Project Advertisements**

DW may advertise specific Capital Projects using a Qualifications Based Selection (QBS) method. However, that will be rare and used for very large or atypical projects. For nearly all projects, solicitation of Contractors will be based on the PCL and the LOI process will generally be administered.

### **1.3 REQUEST FOR INFORMATION**

This RFQ contains the instructions governing how SOQs are to be submitted, the material to be included therein, mandatory requirements which must be met to be eligible for consideration, and other requirements to be met.

Any requests for clarification or additional information regarding submission in response to this RFQ shall be submitted via email to [Amy.Guire@denverwater.org](mailto:Amy.Guire@denverwater.org). DW will respond individually and if necessary, may modify the content of this RFQ for clarification.

## **SECTION 2: ADMINISTRATIVE REQUIREMENTS**

### **2.1 OBJECTIVE**

The objective of this RFQ is to provide sufficient information to enable qualified Contractors to submit written qualifications for review by Denver Water regarding the PCL. The RFQ is not a contractual offer or a commitment that if approved and listed on the PCL the Contractor may be invited to bid/propose on upcoming projects.

## 2.2 NOTIFICATION

DW will review the submitted SOQs and if approved, update the PCL within twelve business days of receipt of the SOQ. Individual letters will be emailed to each Contractor that submitted an SOQ notifying them of approval status. Each Contractor submitting their SOQ can review the PCL via DW's website (<https://www.denverwater.org/contractors/bid-and-contract-opportunities/capital-project-prequalification>) to see if they were approved for prequalification. If your company's name does not appear on the list within 15 days following the SOQ submission, questions may be emailed to [Amy.Guire@denverwater.org](mailto:Amy.Guire@denverwater.org).

## 2.3 RIGHT TO REJECT SUBMISSIONS AND NEGOTIATION

DW reserves the right to reject any and all submissions, to waive any informalities or defects in the submissions received, and to accept or reject any or all of the items in the submission, if it is in DW's best interest.

## 2.4 CONFIDENTIALITY

Contractors acknowledge that DW may be required to disclose any or all of the documents submitted with a response, pursuant to the Colorado Open Records Act, C.R.S 24-72-200.1, et seq. Under C.R.S § 24-72-204(3)(a)(IV), DW may deny inspection of any confidential commercial information furnished to DW by an outside party. Therefore, the Contractor must clearly designate any documents submitted with its response that the Contractor deems proprietary or confidential, to aid DW in determining what should be disclosed in the event of a request for documents under the Colorado Open Records Act. SOQs submitted and terms and conditions specified in each Contractor's response shall remain the property of DW.

## **SECTION 3: PROPOSAL (SOQ) CONTENT AND SELECTION PROCESS**

### 3.1 REQUIREMENTS

The following must be satisfied for each section of this RFQ. This information will be evaluated to select Contractors for the PCL. The PCL is the method from which DW will bid/propose and award future Capital Projects.

DW will not consider teaming arrangements or subcontracting strategies to be prequalified for a certain discipline.

### 3.2 REQUEST FOR SOQs

Contractors must submit: One emailed electronic copy (.PDF) of the SOQ for each discipline you are proposing on. If you are submitting for more than one discipline one electronic copy needs to be submitted for each discipline.

Example: If you are a large General Contractor wanting to be approved for the Civil – Pipeline, Mechanical General, and Mechanical Plumbing disciplines, submit one individual electronic copy for Civil Pipeline, one individual electronic copy for Mechanical-General and one individual electronic copy for Mechanical Plumbing.

Submittal Instructions:

1. Submissions should be emailed to [Amy.Guire@denverwater.org](mailto:Amy.Guire@denverwater.org). In the subject line, the title shall be "Capital Projects Contractor Prequalification".
2. Submissions must be in the format noted in Section 3.3. Information must be legible and current. DW reserves the right to disqualify any response submitted incorrectly.
3. The submission must contain the signature of a duly authorized officer or agent of the Contractor's company on either the cover sheet or in a one-page company introduction letter.
4. Submissions become the property of DW upon receipt. The content of submissions will be kept on file for future use if applicable.

Submissions may be withdrawn, or the Contractor may request their company be removed from the PCL at any time. This request must be submitted in email and specify the name of the authorized agent and contact information to verify the request.

### 3.3 SOQ FORMAT – CONTRACTOR QUALIFICATION

- A page limit per section and an overall page limit of 11 pages (not including cover, dividers with section labels and back cover) are set forth below. Page limits refer to limits of text (e.g., double-sided prints will be counted as two pages).
- Whenever possible please present information in a tabular form over narrative.
- Font size: The font size for text pages shall be no smaller than 10 point.
- SOQs that do not follow this format or are illegible will not be considered.

### 3.4 SOQ DETAILS FOR EACH SECTION

The SOQ shall include the following requested information in accordance with the format listed below:

#### **SOQ Cover**

The cover of the SOQ, not the first page in the SOQ, shall include the following:

DW Prequalification Contractor List – RFQ

The Discipline for which the SOQ is prequalifying (from the table in Section 1.2.3)

Company's Name

Company's Address

Name of Duly Authorized Officer or Agent, Phone Number and Email Address

The date of submittal

Example Cover Page of the SOQ:

*DW Prequalification Contractor List – RFQ*  
*SOQ Discipline: Electrical Contractor*

*Spark Electrical*  
*555 South Zuni, Denver CO 80112*  
*Joe Spark 303 888-9999 – [Jspark@comcast.net](mailto:Jspark@comcast.net)*

*October 20, 2025*

#### **Section 1 – Contractor General Information (Four-page limit)**

Complete and insert the attached Contractor's General Information Form located in Appendix C.

#### **Section 2 – Contractor and Project Experience (Two-page limit)**

List relevant project experience related to your discipline, with DW projects listed first. Include a maximum of eight relevant projects that have been completed during the past eight years by the Contractor. Most relevant projects are to be tied to the Respondent's proposed local team rather than projects by the firm in general.

The format for listing the relevant experience is to complete a matrix with headings across the top of the page as shown in the [Project Experience Template](#). This template is in Microsoft Word; however, you may choose to put this in your own format or software.

List the projects in rows that extend down the page. Fill in each cell for that project according to the heading and details below.

- For the Project/Client/Location cell, list the project name, client name and the location of the project.
- For the Reference cell, list the Owner/Client PM (or reference) and their phone number.

- For the Key Team Members cell, list supervisors' names from your Company such as the PM, Superintendent, that are currently employed with your company and will be listed with your Personnel or Team Section.
- For the Completion cell list the completion date and duration of the project.
- For the \$ Contract /\$ Sub-Contract cell list the total contract amount and the final contract amount with changes. If you were a Subcontractor list your contract amount in addition to the total cost of the project.
- For the Description cell list a brief project description and the capacity that your company served. State if this was an Alternative Delivery Project and the type of project. List the MWBE goal if applicable and final MWBE contribution.

DW intends to contact some or all client references.

### **Section 3 – Team Qualifications (Three-page limit)**

Page 1: Submit your company's Table of Organization for the local office who will be performing the work, and the Company's upper management team if applicable.

Pages 2 and 3: In the tabular format as shown in the [Team Qualification Template](#).

Fill in the cells describing the qualifications and experience of key staff in the execution of projects. The personnel listed should match up with those listed in the Key Personnel cell from the Team Qualification Template described above. Key personnel should include the relevant Managers, proposed Project Manager(s) for a particular discipline, and proposed Superintendents. Also discipline-specific technical staff (such as equipment start-up, tunneling expertise, Quality Assurance/Quality Control managers or supervisors, etc.).

### **Section 4 –Contractor-Demonstrated Abilities (Two-page limit)**

Open format: Describe your company's demonstrated abilities regarding project controls and safety. In addition, any other abilities that the company may want to highlight for evaluation purposes.

Example – project controls [budgeting and scheduling (Primavera Resources)] and a safety program.

Other possible examples: software and expertise, quality assurance/quality control structure or procedures, project management summary approach, other capabilities.

### **Section 5 – Supplemental information (Not included in page limit)**

1. Company bonding capacity information:
  - Attach letter from Bond Company (no older than six months) stating company single/aggregate construction project bonding capacity.
  - Provide proof of Bonding Company's A.M. Best Rating (A- or better), per Article 5 – Bonds and Insurance of DW's General Conditions [located in the Capital Projects Construction Standards (CPCS)].
2. Company information:
  - Painting Contractors only – provide SSPC-QP1 Certificate if applicable.
  - MWBE and or SBE certification.
  - Plumbing Contractors need to submit copies of the Colorado Master Plumber License along with Journeyman or Apprentice registration information/license for all proposed team members.

Contractors are not required to submit a bonding letter or certificates of insurance for this submission, but they will be required when submitting a bid/proposal.

### **Section 6 – Resumes (Not included in page limit)**

Resumes are required and need to detail applicable experience to assist with the evaluation of the Contractor's qualification on any relevant project manager, superintendent, and/or principal of the company that will be managing projects.

### **Section 7 – Security Documents (Not included in page limit)**

1. Non-Disclosure Agreement (NDA).
2. A description including the protocol of Contractor's drug and alcohol screening program and the type and number of employees subject to Contractor's drug screening protocol.
3. Personnel Screening Expectations Affidavit.
4. Intermittent Audit Consent and Affidavit.

### **3.5 PREQUALIFIED SELECTION PROCESS**

DW will review and evaluate Contractor SOQs based on criteria identified in the table below. Each criterion can be given a maximum score as identified in the table below with an overall SOQ total of 105 points which includes 5 bonus points.

<b>Criteria</b>	<b>Max. Points (100 pts) (5pt MWBE)</b>
Relevant Project Experience	35
Key Personnel Qualifications	20
References	10
Proposal Delivery, Organization, and Clarity	5
Project Controls and Scheduling Capabilities	20
Safety Program and EMR	10
MWBE (5 bonus points for certified MWBEs)	5

### **3.6 FINAL SOQ SUBMISSION CHECKLIST**

On the following page is a checklist for the SOQ that summarizes the requirements for submission. Please use this as a reference to assist in the submission process.

## FINAL SOQ SUBMISSION CHECKLIST

- Formatting**
  - One discipline selected per submission
  - Overall page limit: 11 pages (exclusive of resumes, cover page, supplemental information)
  - Font size: No smaller than 10 point
- Cover Page**
  - Include information as specified in section 3.4.
- Contractor General Information** - (Located in Appendix C). Page Limit: 4 pages
- Contractor and Project Experience** - Maximum of eight relevant projects. Page Limit: two pages. Formatting requirements:
  - Font Size: No smaller than 10 point
  - Template: See the [Project Experience Template](#) (template is in Microsoft Word format, you may choose to put this in your preferred format/software)
  - In top row, column headings as follows:
    - Project/Client/Location
    - Reference
    - Key Team Members
    - Completion
    - \$ Contract/\$ Sub-Contract
    - Description
- Team Qualifications** - Page Limit: 3 pages.
  - Page 1: Company's table of organization
  - Pages 2-3: Team Qualification template - See the [Team Qualification Template](#).
- Contractor-Demonstrated Abilities** - Open format. Page Limit: 2 pages.
- Supplemental Information** - No page limit but must include:
  - Company Bonding Capacity (bonding letters/certificates of insurance are not required for this submission; only required when submitting a bid/proposal)
  - Company Information (see section 5 within section 3.4)
- Resumes** – Required for all relevant team members that would manage projects; no page limit.
- Security Related Documents** – No page limit.
  - Copy of Contractor's Drug and Alcohol Policy
  - Signed Non-Disclosure Agreement
  - Signed and notarized Personnel Screening Expectations Affidavit
  - Signed and notarized Intermittent Audit Consent and Affidavit

### **Additional Submission Requirements**

- Submit** by emailing to [Amy.Guire@denverwater.org](mailto:Amy.Guire@denverwater.org)
- Email Subject Line:** Capital Projects Contractor Prequalification
- Signature** of company's duly authorized officer/agent must be included.

**APPENDIX A**

**LOI EXAMPLE**



Letter of Intent to Bid/Propose

Contract Number: \_\_\_\_\_ Required Due Date: \_\_\_\_\_

Project Title: \_\_\_\_\_

Design Project Manager: \_\_\_\_\_ DPM Contact No: \_\_\_\_\_

Estimated Project Cost: \_\_\_\_\_ No. of prequalified bidders/proposers: \_\_\_\_\_

Project Description:

[Large empty box for Project Description]

Anticipated Project Advertisement (Bid Docs Available): \_\_\_\_\_

Anticipated Due Date: \_\_\_\_\_ Anticipated Notice to Proceed: \_\_\_\_\_

Contractor to Fill Out

Name of Contractor: \_\_\_\_\_ Phone No: \_\_\_\_\_

Commitment to Bid

(Please denote if your company will commit resources to bid/propose on this project and complete the scope of work if awarded the project.)

Yes (By signing this Letter of Intent – you intend to bid this specific project and will commit your company and resources to the project.)

No (Unable to commit and will not be bidding this project.)

Signature of Authorized Representative of Bidder/Proposer

Date

Title

- Please provide the following items:
(1) Current safety record (ERM)
(2) List of projects in the last two years

\*Note: Denver Water requests that the signatory on this letter be an executive level manager of the company.

**APPENDIX B**  
**SECURITY DOCUMENTS**

## NON-DISCLOSURE AGREEMENT

This is an Agreement between Bidder/Proposer, identified below, and the City and County of Denver, acting by and through its Board of Water Commissioners ("Board").

1. The Board is the owner of certain confidential and/or security-sensitive information relating to its water system and components thereof ("Confidential Information"), which the Board represents is not subject to public inspection under C.R.S. § 24-72-201 *et. seq.*, and which the Board has taken and continues to take steps to protect as confidential and restricted.
2. The parties recognize that it may be necessary for the Board to provide information, including but not limited to Confidential Information, to Bidder/Proposer for the purpose of preparing a bid or proposal for any contract or agreement ("Contract") and potentially for Bidder/Proposer to perform the work required by the Contract. Bidder/Proposer acknowledges that it may receive Confidential Information from a contractor working on behalf of the Board and that this Agreement also will apply to such Confidential Information.
3. Confidential Information includes any Bidding/Proposal Documents and Contract Documents, including but not limited to drawings, specifications, shop drawings, submittals, Operations & Maintenance (O&M) Manuals, photographs, electronic files, studies, and other information that the Board provides to Bidder/Proposer before or during the term of the Contract, as well as any of the above items developed by Bidder/Proposer for the Board during the term of the Contract. Any other information provided by either party may be labeled as or identified as confidential in order to be protected under this Agreement.
4. The Board, in its sole discretion, may provide to Bidder/Proposer the Confidential Information in the form of the Board's choosing.
5. If the Board provides or Bidder/Proposer requests the Confidential Information in a format requiring particular software, it is understood that Bidder/Proposer will secure at its sole cost any and all necessary software licenses, authorizations or other intellectual property rights for the transfer and use of the Confidential Information.
6. As part of this Agreement, the Board may permit Bidder/Proposer to visit one or more Board facilities according to a schedule to be determined by the Board. Bidder/Proposer is prohibited from taking any pictures or video or making any electronic recordings of any kind during its visit(s) to the Board's facilities without the prior approval of the Board's site or area supervisor. Bidder/Proposer acknowledges that it may learn information about and receive documentation about the Board's facilities during the visit(s), and Bidder/Proposer agrees that such information and documentation will be considered Confidential Information under this Agreement.
7. The Bidder/Proposer is prohibited from making any copies, scans, or duplicates of the Confidential Information provided by the Board, and from taking any pictures, video, or making any electronic recordings of any kind during any meetings or presentations with the Board where Confidential Information is discussed, without prior approval of the Board's representative, confirmed in writing. The Bidder/Proposer is prohibited from sharing any Confidential Information with third parties, except as provided in this Agreement, without prior approval of the Board, confirmed in writing.
8. Bidder/Proposer shall hold and use the Confidential Information only for the purposes of preparing a bid or proposal for the Contract, if Bidder/Proposer so chooses, and for performing the work required by the Contract if selected as the successful Bidder/Proposer. Bidder/Proposer shall limit disclosure of the Confidential Information to only its employees and subcontractors who have a need to know the Confidential Information. Bidder/Proposer will not use or derive any direct or indirect benefit from any information provided by the Board, or from any part thereof, without the prior written consent of the Board; this prohibition will survive the termination of this Agreement. Bidder/Proposer shall take reasonable steps to ensure that anyone to whom it provides the Confidential Information complies with the terms of this Agreement.

9. [Deleted Intentionally].
10. Bidder/Proposer shall not be liable to the Board for disclosure of any information, including but not limited to Confidential Information, if the information:
  - a. Was in the public domain at the time it was disclosed, or
  - b. Becomes part of the public domain without breach of this Agreement, or
  - c. Is obtained by Bidder/Proposer from a third party that is lawfully in possession of such information and is not in violation of any contractual or legal obligation to the Board or other third party with respect to such information, or
  - d. Is disclosed with the prior written approval of the Board, or
  - e. Was independently developed by Bidder/Proposer, or
  - f. Is disclosed pursuant to the provisions of a court order or subpoena, provided that the Board has had an opportunity to object or intervene in the matter.
11. The provisions of this Agreement shall supersede the provisions of any inconsistent language that may be affixed to any information provided by the Board, and the inconsistent provisions of any such language shall be without any force or effect during the term of this Agreement.
12. Confidential Information and any other information or materials provided by the Board to Bidder/Proposer shall be returned to the Board, or to the Board's contractor that supplied the information, (1) at such time as it is no longer required for the purposes described in this Agreement or (2) upon request of the Board at any time. A form of the certification of deletion will be supplied upon request.
13. If Bidder/Proposer loses or makes unauthorized disclosure of any of the Board's information protected by this Agreement, it shall notify the Board immediately and take all steps reasonable and necessary to retrieve the lost or improperly disclosed information.
14. The standard of care for protecting Board information provided to Bidder/Proposer will be at least that degree of care Bidder/Proposer uses to prevent disclosure, publication or dissemination of its own proprietary information, provided that degree of care is at least reasonable.
15. Bidder/Proposer shall not be liable to the Board for the inadvertent or accidental disclosure of any of the Board's information protected by this Agreement if such disclosure occurs despite the exercise of at least the same degree of care as Bidder/Proposer normally takes to protect its own proprietary information, provided that degree of care is at least reasonable.
16. If Bidder/Proposer receives a request by a third party, under the Colorado Open Records Act (C.R.S. § 24-72-201 et. seq.) or otherwise, to provide any information it has received pursuant to this Agreement, it shall treat all such information as confidential or otherwise protected from disclosure, unless it is permitted to be disclosed under this Agreement. In the event of such a request, Bidder/Proposer shall notify the Board in writing as soon as reasonably possible.
17. In providing any information under this Agreement, the Board makes no warranty or representations, either express or implied, as to the information's adequacy, sufficiency, or freedom from defect of any kind, including freedom from any patent infringement that may result from the use of such information, nor shall the Board incur any liability or obligation whatsoever by reason of providing such information.
18. This Agreement contains the entire agreement relative to the protection of information to be provided by the Board for the purposes described in this Agreement and supersedes all inconsistent prior or contemporaneous oral or written understandings and agreements regarding this issue. This Agreement shall not be modified or amended, except by an amendment executed by the Board and Bidder/Proposer.

19. Nothing contained in this Agreement, by express grant, implication, estoppel or otherwise, shall create in Bidder/Proposer any ownership, right, title, interest, or license in or to the documents, information, inventions, patents, technical data, computer software, or software documentation of the Board.
20. Notwithstanding that the Board may provide information for the purposes described in this Agreement, the Board does not waive any claim that the information it provides is privileged, proprietary, and/or confidential.
21. Nothing contained in this Agreement shall grant to Bidder/Proposer the right to make commitments of any kind for or on behalf of the Board without the prior written consent of the Board.
22. Nothing contained in this Agreement shall be construed as restricting the Board's right to restrain use or dissemination of the Board's information in accordance with applicable federal, state, or local law or regulation, or at common law.
23. Nothing contained in this Agreement shall require Bidder/Proposer to submit a bid or proposal to the Board for the Contract.
24. In the event the Board selects Bidder/Proposer for the Contract, this Agreement shall remain in effect for the term of the Contract at a minimum and, additionally, for as long as the Bidder/Proposer is in possession of the Board's information that is protected by this Agreement. In the event the Board does not select Bidder/Proposer for the Contract, this Agreement shall remain in effect for as long as the Bidder/Proposer is in possession of the Board's information that is protected by this Agreement.
25. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado with venue for any legal action in the District Court for the City and County of Denver.

**To be completed by Bidder/Proposer:**

Name of Bidder/Proposer: \_\_\_\_\_  
(Print name legibly)

By execution below, signer certifies that s/he is authorized to accept and bind Bidder/Proposer to the terms of this Agreement.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

**PERSONNEL SCREENING EXPECTATIONS AFFIDAVIT**

**[To be completed by any applicant for prequalification for Denver Water's (DW) Restricted and Highly Restricted Capital Projects]**

Name of Contractor (printed): \_\_\_\_\_

As an officer and authorized representative of the above-named Contractor, I certify and agree as follows.

All of Contractor's employees working onsite for DW's Restricted and Highly Restricted Capital Projects will have been the subject of a background check no more than one year prior to the assignment and will have been determined by the Contractor to not pose a risk to persons or property. Background checks must include a Colorado Bureau of Investigation (CBI) Criminal History Check and if the employee or agent has lived outside the State of Colorado or the United States during the last five years, a criminal history check from each state or country of residence.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_ (name)  
as the \_\_\_\_\_ (title) of \_\_\_\_\_ (company).

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**INTERMITTENT AUDIT CONSENT AFFIDAVIT**

**[To be completed by any applicant for prequalification for Denver Water's (DW) Restricted and Highly Restricted Capital Projects]**

Name of Contractor (printed): \_\_\_\_\_

As an officer and authorized representative of the above-named Contractor, I certify and agree as follows.

1. DW Security Division personnel shall have access, during normal business hours and upon 48 hours' notice, to Contractor's facilities and records to audit Contractor compliance with the security requirements of DW for its Restricted and Highly Restricted Capital Projects. These records include but are not limited to those pertaining to employee background and drug and alcohol checks. The frequency of such audits is at DW's discretion.
  
2. Contractor understands that its compliance with these requirements may be a factor in its eligibility for future work with DW.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_ (name)  
as the \_\_\_\_\_ (title) of \_\_\_\_\_ (company).

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**APPENDIX C**

**CONTRACTOR'S GENERAL  
INFORMATION FORM**

**CONTRACTOR'S GENERAL INFORMATION FORM**

**OFFICIAL COMPANY NAME:**

- Corporation
- Partnership
- Individual

Contact Person's Name:

Contact Person's Telephone Number:

Contact Person's Email Address:

**MWBE:** Yes  No

**SBE:** Yes  No

**DISCIPLINE (TYPE) OF CONTRACTING WORK:**

**BONDING CAPACITY:**

**LETTER OF INTENT:** (If different from above)

LOI Contact Person's Name:

LOI Contact Person's Telephone Number:

LOI Contact Person's Email Address:

**SAFETY:**

Current EMR Rating:

Security/Safety Contact Person's Name:

Security/Safety Contact Person's Telephone Number:

Security/Safety Contact Person's Email Address:

Detail the Contractor's written security program if applicable.

Identify procedures or policies of the Contractor that ensure adequate security issues are preplanned to address restricted projects as they relate to but may not be limited to: Project bid documents, Subcontractor and vendor bidding processes, Bidding document distribution and control, Contract Documents, and Project personnel.

**BUSINESS ADDRESS:**

**Local Address:** (State location of the office(s) where the project services will be performed).

Submit your company's Table of Organization for the local office, who will be performing the work, and the Company's Upper Management Team if applicable.

If a corporation:

When incorporated and which state?

License to do work in Colorado?

President and/or two other (Colorado office) authorized Officers?

If a partnership:

Date of organization?

State whether partnership is general, limited or other association.

Has your company been denied approval status for this discipline, and if so, what substantial improvement has been made to allow a reevaluation?

How many years has your organization been in business as a construction company under your present business name?

How many years has the construction company been in continuous operation doing this type of work?

List all claims or litigation on projects over the past 5 years and with what entity.

How many projects over the last 5 years has the construction company performed on Capital Projects (all projects including DW projects if applicable)?

Have you ever failed to complete any work awarded to you? Yes  No   
If yes, please explain:

What percentage of the work does your firm perform with own employees?

What type of work do you normally subcontract?

Have you ever been refused surety, bond, or liability insurance? Yes  No

If so, explain:

Company bonding capacity information:

- Attach letter from Bond Company (no older than 6 months) stating company single/aggregate construction project bonding capacity.
- Provide proof of Bonding Company's A.M. Best Rating (A- or better), per Article 5 - Bonds and Insurance, Subparagraph 5.3.6. of the General Conditions.

For which governmental agencies have you performed work?

Do you maintain a permanent safety program within your company? Yes  No

If not, state why.

List the major relevant equipment you own for the discipline:

Describe the Company's Demonstrated Abilities - such as project controls (schedules and budgets), software and expertise, quality assurance/quality control structure or procedures, project management summary approach and other capabilities.

List Awards received: