

**PREQUALIFICATION APPLICATION  
FLEISH TUNNEL PROJECT  
TRUCKEE MEADOWS WATER AUTHORITY  
CAPITAL PROJECT NO. 10-0006  
NEVADA PUBLIC WORKS CONTRACT NO. PWP # WA-2014-184**

Truckee Meadows Water Authority (TMWA) is seeking to pre-qualify general contractors pursuant to NRS 338.1377 to 338.139 who may act as the prime contractor for its Fleish Tunnel Project. The Fleish Tunnel Project involves establishing a laydown area and staging yard in Washoe County, NV, drill-and-shoot excavation of approximately 1,145 linear feet of 14-foot diameter tunnel in Sierra County, CA, setting rock bolts and applying shotcrete, constructing concrete upstream and downstream portals, possible groundwater handling, establishing a SWPPP, and associated permit compliance. Given the unique nature of the work, TMWA is requiring that general contractors interested in bidding on the project pre-qualify prior to being eligible to bid. **ONLY GENERAL CONTRACTORS WHO HAVE BEEN PREQUALIFIED SHALL BE PERMITTED TO BID ON THE FLEISH TUNNEL PROJECT. NO PRICES OR BIDS SHOULD BE SUBMITTED AT THIS TIME!**

I. Overview. The Qualification Criteria and Qualification Application which shall be used for submission can be obtained by visiting [http://tmwa.com/about\\_us/doingbusinesswithtmwa](http://tmwa.com/about_us/doingbusinesswithtmwa), by faxing a request to (775) 834-8153, or by picking it up at the TMWA offices located at 1355 Capital Blvd., Reno, Nevada 89520. Applications for Qualification must be submitted by mail to P.O. Box 30013, Reno, Nevada 89520-3013 or in person to 1355 Capital Boulevard, Reno, NV 89502, and must be **RECEIVED BY TMWA NOT LATER THAN 10:00 A.M. on May 5, 2014.** The sealed envelope containing the completed application should be marked "TMWA FLEISH TUNNEL PHASE 1 PROJECT QUALIFICATION APPLICATION".

This Qualification Criteria incorporates all applicable Nevada Revised Statutes (NRS) requirements. TMWA reserves the right to use or revert to an alternate bid process at any time during the qualification or bid process if it is in the best interest of the public as determined by TMWA. Qualified contractors will be required to be responsible and responsive to the bidding requirements of the Fleish Tunnel Phase 1 project, including but not limited to, license limit, proof of insurance, bonds, etc. Bid opening will not be delayed pending determination or appeal of an Applicant's qualification.

II. Qualification Process. Applicant will provide general information about the company and will be required to declare the information provided is truthful and complete, and that Applicant understands TMWA reserves the right to cancel the qualification process at any time. TMWA may deny qualification to any Applicant who has submitted an application which contains unclear or missing information; but TMWA reserves the right to request clarification of any unclear or missing information.

III. Application Review. Review of an Applicant's qualifications will be conducted by at least three TMWA representatives, and the determination of qualification shall be based on the following Qualification Criteria:

1. Whether Applicant possesses valid contractor's licenses issued by the states of Nevada and California of a class corresponding to the Fleish Tunnel Work to be performed.
2. Whether the Applicant has the ability to obtain the necessary bonding for the Fleish Tunnel Work.
3. Whether the Applicant has successfully completed **five (5) or more** projects during the five years immediately preceding the date of application of similar size, scope or type as the Fleish Tunnel Work, including specifically projects involving tunnel excavation through rock, setting rock bolts and application

of shotcrete. A minimum of one project must have utilized smooth-wall and drill-and-shoot excavation methods. Provide descriptions of the names of the projects, locations of the projects, brief explanations of the type of work performed on the projects, and the names, addresses and telephone numbers of the owners of the projects, the owners' project managers, and the architects or engineers on the projects.

4. Whether the principal personnel employed by Applicant have the necessary professional qualifications and experience for the Fleish Tunnel Work, including specifically, professional qualifications and experience as follows:
  - The Contractor's Project Manager and Contractor's/Subcontractor's Superintendent (the two most senior supervisors on the Project full time) must each have at least five (5) years of underground construction experience, and two (2) years within the last five (5) years.
  - These two supervisors shall act as the quality control supervisors for the Project.
  - The Project Manager and/or Superintendent shall be competent persons and shall have completed at least two underground construction projects using mobile equipment.
  - The Underground Safety Representative and Gas Tester(s) shall be experienced in tunnel construction and shall be certified by Cal OSHA, Mining and Tunneling Group, and shall have at least 10 years of underground construction experience with at least 3 years of experience in the last 5 years.
  - The Chief Surveyor shall be a licensed land surveyor or Civil Engineer registered in the state of California, who has at least two (2) years' experience within the last five (5) years of underground surveying, shall be in charge of the entire Project's surface and underground surveying.
5. Whether the Applicant has breached any contracts with a public agency or person in the States of Nevada or California, or any other state during the five years immediately preceding the date of application.
6. Whether the Applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.13895.
7. Whether Applicant has been convicted of a violation for discrimination in employment during the 2 years immediately preceding the date of application.
8. Whether the Applicant has the ability to obtain and maintain insurance coverage for public liability and property damage within limits sufficient to protect the Applicant and all the subcontractors of the Applicant from claims for personal injury, accidental death and damage to property that may arise in connection with the Fleish Tunnel Work.
9. Whether the Applicant has established an active safety program that complies with the requirements of NRS 618.
10. Whether the Applicant has been disciplined or fined by the State of Nevada Contractor's Board or any other state or federal agency for conduct that relates to the ability of the Applicant to perform the Fleish Tunnel Work.
11. Whether, during the five years immediately preceding the date of application, the Applicant has filed as a debtor under the provisions of the United States Bankruptcy Code.
12. Whether the information contained in the application is truthful and complete.
13. Whether, during the five years immediately preceding the application, the Applicant has, as a result of causes within the control of the Applicant or a subcontractor or supplier of the Applicant, failed to perform any contract: i) in a manner specified by the contract and any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative; ii) within the time specified by the contract unless extended by the person or governmental entity that awarded the contract or its authorized representative; or iii) for the amount of money specified in the contract or as modified by any change orders initiated or approved by the person or governmental entity that awarded the contract. Evidence of failures may include the assessment of liquidated damages, forfeiture of any bonds, an arbitration award granted against the Applicant or a decision by a court of law against the Applicant.
14. Whether the Applicant has, within one year immediately preceding the date of the application materially breached a contract for a public work for which the cost exceeded \$25,000,000.

IV. Procedures: TMWA will investigate the qualifications of Applicants, and may request appropriate information to verify the application from such third parties as reasonably necessary or appropriate, including requesting appropriate local, state and federal entities to provide information regarding judgments, liens, and records of violations of applicable law. Within 7 calendar days of the deadline for submission of Qualification Applications, TMWA shall notify each Applicant in writing of its determination. ***A determination that an Applicant is qualified for the Fleish Tunnel Project is not a finding that the contractor is otherwise qualified to***

*be awarded a contract on any other TMWA projects.*

V. Appeal of Denied Application: If TMWA denies an Applicant's Qualification Application, TMWA shall provide written notice setting forth the reasons for the denial and the Applicant shall have a right to appeal the denial to the TMWA Board. An Applicant desiring to appeal a denial shall submit a written request in accordance with NRS 338.13.81 for an appeal hearing before the TMWA Board, stating all reasons for the appeal. Such written request must be received by TMWA within 10 calendar days after the receipt of the Notice of Denial of Qualification, and shall provide all reasons for appeal. Failure to appeal a denial in a timely manner, or set forth all reasons for such appeal shall be grounds for denying any appeal. The appeal must be submitted in writing to TMWA's Purchasing and Contracts Administrator (see contact information listed below). In addition to any other information required by law, the appeal shall include the following information:

1. The alleged violations(s) of: (a) Qualification Application referencing page number, item, and paragraph; (b) Nevada Revised Statutes referencing the specific chapter, section, and subsection; or (c) Local codes or ordinances referencing section number; and
2. Supporting documentation such as Nevada State Contractors Board licensing information or other detailed proof to substantiate the appeal.

The Applicant filing the appeal shall, at the time the appeal is filed, post a bond with a good and solvent surety authorized to do business in the state of Nevada, or submit a cashier's check, money order, or certified check, to TMWA who will hold the bond or other security until a determination is made on the appeal. The bond or other security submitted with the appeal shall be in an amount equal to \$250,000.00.

If the appeal is upheld, the bond or other security will be returned to the Applicant who submitted the appeal. If the appeal is rejected, a claim may be made by TMWA against the bond or other security in an amount equal to the expenses incurred by TMWA because of the unsuccessful appeal. Any money remaining after the claim has been satisfied will be returned to the applicant who posted the bond or submitted the security.

The appeal filed in accordance with these provisions operates as a stay of action in relation to the applicant's pre-qualification until a determination is made by TMWA on the appeal.

An unsuccessful Applicant may not seek any type of judicial intervention until TMWA has made a determination on the appeal, and determined pre-qualification status.

TMWA will not be liable for any costs, expenses, attorney's fees, loss of income, or other damages sustained by an Applicant, whether or not the Applicant files the appeal.

TMWA will not consider appeals unless the procedures specified in this Section are followed.

Within 20 calendar days after receipt of the written request for an appeal, TMWA will set a hearing date to be held within 45 calendar days and will inform the Applicant in writing at least 10 calendar days before the hearing of the date, time and place of the hearing.

**QUESTIONS:** Questions may be submitted in writing to the Contract Administrator up to three (3) business days before the Submission Deadline.

Maria I. Dufur, Purchasing and Contract Administrator  
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[Applicants are directed to TMWA's website www.tmwa.com for the latest updates and addenda.](http://www.tmwa.com)