

SAN MARCOS UNIFIED SCHOOL DISTRICT

CONTRACTOR PREQUALIFICATION PACKAGE

FOR

PREQUALIFICATION OF
CONTRACTORS AND SUBCONTRACTORS
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6

Submit Prequalification Submittals Electronically to www.smusd.org
(See website for instructions and electronic submittals/links)

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<u>Part</u>	<u>Prequalification Package - Contents</u>	<u>Page</u>
1.	Overview of Public Contract Code Section 20111.6 Requirements	1
2.	Applicability of Section 20111.6 Requirements.....	2
3.	Requirements for Prequalification Submittal	2
4.	Modification of Prequalification Submittal.....	3
5.	Withdrawal of Prequalification Submittal	4
6.	Addenda to this Contractor Prequalification Package.....	4
7.	Timeliness of Prequalification Submittal	5
8.	Responsiveness of Prequalification Submittal.....	5
9.	Determination of Contractor Prequalification Status.....	6
10.	Determination of Maximum Authorized Contract Amount	6
11.	Notice of Prequalification Determination.....	7
12.	Contractor Appeals	7
13.	Subsequent Review By District	9
14.	Certain Information Not a Public Record.....	10
15.	Contacting the District	10
<u>Attachment:</u>	Contractor Questionnaire	CQ-1

**PREQUALIFICATION OF
CONTRACTORS AND SUBCONTRACTORS
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

PART 1: OVERVIEW OF PUBLIC CONTRACT CODE SECTION 20111.6 REQUIREMENTS

Assembly Bill 1565, approved in 2012, added Section 20111.6 to the Public Contract Code (“Section 20111.6”). Section 20111.6 made it mandatory, on and after January 1, 2014, for school districts having an average daily attendance of 2,500 or more to prequalify certain “prospective bidders” for certain of that school district’s public projects. Section 20111.6 applies to public projects that: (i) are projected to cost \$1 million or more; and (ii) are funded, in whole or in part, using funds provided through either the Leroy F. Greene School Facilities Act of 1998 (“SFP Funds”) or any future bonds issued by the State of California.

Assembly Bill 1581, approved in 2014, in part amended Section 20111.6 and Education Code Section 17406 (“Section 17406”), and such amendments are applicable to contracts entered into on and after January 1, 2015. Subdivision (c) of Section 20111.6 now provides that *“The board of the district shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements. This system shall also apply to a person, firm, or corporation that constructs a building described in Section 17406 or 17407 of the Education Code.”*

Assembly Bill 566, effective January 1, 2016, requires that requires all lease-leaseback projects with a projected expenditure of \$1,000,000 or more must comply with the mandatory prequalification requirements as provided in Public Contract Code section 20111.6, regardless of the funding source.

As provided in Section 20111.6, bidders that must be prequalified include prime contractors with a general contracting (i.e. Class A or B) license and, whether used as a prime contractor or a subcontractor, any mechanical, electrical and plumbing (“MEP”) contractors having a contractors’ license in any of the following specialty classifications:

- C-4 (boiler, hot water, and steam fitting);
- C-7 (low-voltage systems);
- C-10 (electrical);
- C-16 (fire protection);
- C-20 (HVAC);
- C-34 (pipeline);
- C-36 (plumbing);
- C-38 (refrigeration);
- C-42 (sanitation systems);
- C-43 (sheet metal); and
- C-46 (solar).

The Governing Board of the District has adopted this Contractor Prequalification Package for purposes of implementing the Section 20111.6 prequalification requirements for the public projects undertaken by the District (each a “District Project”). The Governing Board has authorized the District, in its discretion, to also use the prequalification process set forth herein for prequalification pursuant to Public Contract Code Section 20111.5 (“Section 20111.5”). In such event, references herein to Section 20111.6 shall, as applicable and/or necessary, be interpreted as references to Section 20111.5.

PART 2: APPLICABILITY OF SECTION 20111.6 REQUIREMENTS

IF A CONTRACTOR IS SUBJECT TO PREQUALIFICATION PURSUANT TO SECTION 20111.6, AND SUCH CONTRACTOR HAS NOT BEEN PREQUALIFIED IN ACCORDANCE WITH THE REQUIREMENTS HEREIN, THE DISTRICT WILL NOT ENTER INTO ANY CONTRACT WITH THAT CONTRACTOR FOR A DISTRICT PROJECT OR, OTHERWISE, PERMIT THAT CONTRACTOR TO PERFORM ANY WORK ON A DISTRICT PROJECT.

Note that prequalification in accordance with this Contractor Prequalification Package is not in lieu of and does not supersede any express prerequisites set forth in the contract documents applicable to contractors performing work on any of the District Projects, including, without limitation, any required certification or license in connection with any specified material or product, type of material or product, or process.

Each prime contractor shall be responsible for determining what portions of work on a particular District Project will be performed by MEP subcontractors subject to the Section 20111.6 prequalification requirements and for ensuring that all such subcontractors as it intends to list or otherwise use in connection with a District Project are prequalified in accordance with this Contractor Prequalification Package.

To the extent any two or more contractors, acting as a Joint Venture, intend to jointly submit a bid or enter into a contract for performance of work on a District Project, each such contractor must be separately prequalified pursuant to the requirements of this Contractor Prequalification Package.

PART 3: REQUIREMENTS FOR PREQUALIFICATION SUBMITTAL

The District will exclusively utilize a web-based process to accept, process, and approve or reject submittals by contractors for prequalification (each a "Prequalification Submittal"). This process may be changed from time to time according to the needs of the District. The current process will be posted on the District's website at www.smusd.org. In the District's sole discretion, a Prequalification Submittal may be accepted in a format other than through the web-based filing system. Typically, such an exception will only be made in response to a showing by a contractor of undue or extreme hardship with respect to the web-based filing requirements.

The District has previously approved form questionnaires for prequalification of contractors on low bid projects and for lease-leaseback projects. The questionnaire attached as Attachment "CQ" hereto ("Questionnaire") supersedes such prior questionnaires, and has been adopted by the District for use with its current web-based process implemented by a third-party vendor. The District may revise its Questionnaire, processes, and procedures from time to time, and shall make the current forms and procedures available on or through links on its website.

Each contractor that desires to prequalify must submit to the District a Prequalification Submittal that includes: (i) the Questionnaire as specified on the District's website, fully completed and executed by a duly-authorized officer or other representative of the contractor; and (ii) all supporting documentation as specified in the Questionnaire. If a contractor submits a modified or alternate form of questionnaire other than the Questionnaire as specified on the District's website, the District will reject that contractor's Prequalification Submittal.

In order for a contractor's Prequalification Submittal to be considered by the District, the contractor must answer all questions in the Questionnaire and must provide all information and documentation that the Questionnaire requires. Such information and documentation must be set forth in, attached to, or submitted with the Prequalification Submittal as required by the Questionnaire, and must be provided in the order specified in the Questionnaire. Contractors must submit the completed and executed Questionnaire, with supporting information, as a single submittal, and the District will reject any Prequalification Submittal that is not fully complete when received by the District.

Prequalification Submittals, including all supporting information, must be submitted as required through the web-based electronic submission, unless an exception is made by the District based on hardship demonstrated by a particular contractor.

In the rare event that an exception to the web-based submission is granted, then submittals must be on 8 ½ by 11-inch paper, with the contractor submitting to the District one original (paper) copy and one electronic copy (on USB flash drive). The Prequalification Submittal (including electronic copy) must be in a sealed envelope, with the following clearly and legibly marked on the outside of the envelope: (i) the words "Attention: Prequalification Submittal"; (ii) the contractor's name; and (iii) the contractor's address. Prequalification Submittals must be: (i) delivered to the District at the address set forth below; and (ii) received by the District prior to the Prequalification Submittal Deadline set forth on the cover sheet to this Contractor Prequalification Package.

San Marcos Unified School District
Attention: Prequalifications Submittal – Facilities Department
255 Pico Avenue, Suite 250
San Marcos, CA 92069

Each Prequalification Submittal received by the District shall, upon receipt, become the District's property, and the District shall have no obligation whatsoever to return a contractor's Prequalification Submittal or any copies thereof. Subject to maintaining the confidentiality of the information set forth in a contractor's Prequalification Submittal that is not public information as defined herein, the District, without notice to or recourse by the contractor, may destroy or otherwise dispose of the Prequalification Submittal as the District deems appropriate.

PART 4: MODIFICATION OF PREQUALIFICATION SUBMITTAL

At any time prior to the Prequalification Submittal Deadline, a contractor may modify a Prequalification Submittal that it has already submitted to the District by concurrently: (i) giving notice that it is thereby superseding the Prequalification Submittal that it previously submitted; and (ii) submitting to the District the modified, fully complete Prequalification Submittal. Such notice of the modified Prequalification Submittal must be delivered electronically as provided in Part 15 herein. Any modification to the Prequalification Submittal must be delivered via the web-based prequalification system. Notice that the Prequalification Submittal is being modified and the modified Prequalification Submittal both must be received by the District prior to the Prequalification Submittal Deadline and subject to the submittal deadlines and requirements of the web-based system.

Upon timely receipt of such notice and modified Prequalification Submittal from a contractor, the District will supersede the contractor's prior Prequalification Submittal with the contractor's modified

Prequalification Submittal. A modified Prequalification Submittal must satisfy all requirements of this Contractor Prequalification Package, including, without limitation, those set forth in Part 3 herein.

The District will reject any modified Prequalification Submittal that is not received by the District prior to the Prequalification Submittal Deadline and/or that does not satisfy all requirements of this Contractor Prequalification Package. In the event the District rejects a contractor's modified Prequalification Submittal, the District will review and process the Prequalification Submittal originally submitted by the contractor, if that Prequalification Submittal satisfies all requirements of this Contractor Prequalification Package; provided, however, that such contractor may withdraw its original Prequalification Submittal as provided in Part 5 herein.

PART 5: WITHDRAWAL OF PREQUALIFICATION SUBMITTAL

A contractor, at any time, may withdraw a Prequalification Submittal that it has submitted to the District, by giving written notice of withdrawal. Such notice must be delivered via the web-based prequalification system. If such notice is not able to be delivered via the web-based prequalification system, the contractor, upon written receipt of permission by the District, may deliver the notice by email to the District representative identified in Part 15 herein. Attempts to deliver notice to the District representative without prior District permission will be ignored. Upon receipt of a contractor's withdrawal notice, whichever of the following is applicable shall govern the District's response and disposition of the contractor's Prequalification Submittal:

- (i) If a contractor's withdrawal notice is received by the District prior to review of the Prequalification Submittal, the District will not review that Prequalification Submittal;
- (ii) If a contractor's withdrawal notice is received by the District after the District has commenced review of the Prequalification Submittal, the District will stop its review of the Prequalification Submittal; or
- (iii) If a contractor's withdrawal notice is received by the District after it has completed its review of the Prequalification Submittal, the contractor, if prequalified by the District, may request that the District cancel the contractor's prequalification status.

A contractor that submits a written notice to thereby withdraw its Prequalification Submittal shall have no rights whatsoever to appeal any decision or lack of decision by the District in regard to the contractor's prequalification status, pursuant to Part 12 herein or otherwise.

PART 6: ADDENDA TO CONTRACTOR PREQUALIFICATION PACKAGE

The District reserves the right, at any time prior to any Prequalification Submittal Deadline, to issue any one or more addenda to the Contractor Prequalification Package.

Each contractor shall be responsible for checking the District's website to determine if the District has issued any one or more addenda to the Contractor Prequalification Package. The requirements of each addendum shall be applicable regardless of whether any contractor(s) failed to obtain and/or consider such addendum. If a contractor has any question as to how to obtain such information from the District's website, the contractor may contact the District as provided in Part 15 herein.

If the District issues an addendum to the Contractor Prequalification Package less than 72 hours prior to the Prequalification Submittal Deadline, the addendum will specify an extension of time for submission of Prequalification Submittals, which shall be not less than 72 hours from the date and time the District issued such addendum.

PART 7: TIMELINESS OF PREQUALIFICATION SUBMITTAL

Each contractor is responsible for ensuring that its Prequalification Submittal is timely received by the District, and the District shall in no way be responsible for any failure of any Prequalification Submittal to be timely received by the District, including, without limitation, because of internet/computer problems, late delivery by a delivery service, back-up of traffic on any street or in any parking lot, or back-up or line at any District public counter or reception desk. Web-based submittals shall be determined based upon the time of the filing of the electronic submittal as identified by the web-based system. Otherwise, such clock, computer or other device designated by the District for purposes of determining the time the Prequalification Submittal Deadline is to occur shall be conclusively determinative as to such time, regardless of any variation from any other clock or device.

PART 8: RESPONSIVENESS OF PREQUALIFICATION SUBMITTAL

The District shall reject each Prequalification Submittal that it receives after the Prequalification Submittal Deadline as non-responsive to the requirements of this Contractor Prequalification Package. The District will not substantively review any such untimely Prequalification Submittals. However, the District may request additional information or clarifications after the deadline, and such information thereafter submitted by the contractor may be reviewed and considered by the District. The District reserves the right to determine, at its sole discretion, if late submittals should be accepted due to circumstances that are beyond the control of the contractor, provided that such determination shall be applied uniformly to all contractors in similar circumstances.

The District will review each timely-received Prequalification Submittal to determine whether it is complete and otherwise responsive to the requirements of this Contractor Prequalification Package. The District shall reject a Prequalification Submittal as being non-responsive to the requirements of this Contractor Prequalification Package in any of the following situations: (i) the contractor modified the Questionnaire or submitted a questionnaire other than the required form; (ii) the contractor failed to respond, or to fully respond, to all of the questions and other requirements of the Questionnaire, or otherwise failed to provide with its Prequalification Submittal all information required to be specified in, attached to, or submitted with its Prequalification Submittal; (iii) the Questionnaire is not certified and signed subject to penalty for perjury by a person with the authority to bind the contractor; or (iv) the Prequalification Submittal otherwise does not satisfy all requirements of this Contractor Prequalification Package.

Notwithstanding the foregoing, the District reserves the right to waive any irregularity in any timely-received Prequalification Submittal that, in the District's opinion, does not constitute a material variation from the requirements of this Contractor Prequalification Package.

If the District determines that a contractor's Prequalification Submittal is non-responsive, the District will provide notice to the contractor, upon request, specifying in reasonable detail the basis or bases for

such determination (“Notice of Non-Responsiveness”). The District will send such Notice of Non-Responsiveness: (i) electronically to the e-mail address specified by the contractor in the Contact Information section of its Questionnaire; and/or (ii) by U.S. Mail to the street address specified by the contractor in the Contact Information section of its Questionnaire.

PART 9: DETERMINATION OF CONTRACTOR PREQUALIFICATION STATUS

With respect to each Prequalification Submittal that the District, in accordance with Part 8 herein, determines is responsive to the requirements of the Contractor Prequalification Package, the District will apply specific criteria to the information specified by the contractor in its Questionnaire and attached documents and financial statements and reference checks and interviews, in order to determine if the contractor will be rated as “prequalified.” Such criteria as relate to the Questionnaire are described in the Questionnaire. All ratings and criteria used for prequalification are consistent with those set forth in the Department of Industrial Relations Model Prequalification Questionnaire.

Any contractor that does not meet all of the essential requirements for prequalification specified in the Questionnaire shall be disqualified (i.e., not prequalified), regardless of whether the contractor satisfied any or all other criteria for prequalification.

The minimum number of points for each numerically scored Section of the Questionnaire are set forth in the DIR Model Prequalification Questionnaire and in the following table.

Questionnaire Section	Total Possible Points	Min. Required Points
Section I – Business History and Performance	76	57
Section II – Legal Compliance	53	38
Section III – Completion and Performance of Projects	120 (per interview)	72 (per interview)

A score of at least 55 points on either of the interviews under Section 3 will result in an additional project reference being requested and an additional interview conducted.

PART 10: DETERMINATION OF MAXIMUM AUTHORIZED CONTRACT AMOUNT

With respect to each contractor that the District, as described in Part 9 herein, determines is prequalified, the District will also determine the maximum amount of any contract that such contractor may enter into in connection with any District Projects (“Maximum Authorized Contract Amount”). A contractor’s Maximum Authorized Contract Amount will be based on the bonding capacity for which the contractor has received authority from its surety insurer as set forth in the notarized statement submitted with contractor’s Questionnaire.

THE DISTRICT WILL NOT AWARD A CONTRACT TO A CONTRACTOR THAT IS IN EXCESS OF THE CONTRACTOR’S MAXIMUM AUTHORIZED CONTRACT AMOUNT.

Each contractor shall be responsible for ensuring that the amounts of the contracts that it awards to MEP subcontractors do not exceed the MEP subcontractors’ respective Maximum Authorized Contract Amounts. If the contractor’s contract with a MEP subcontractor exceeds the MEP subcontractor’s Maximum Authorized Contract Amount, then, immediately upon request of the District, the contractor must substitute one or more other prequalified MEP subcontractors in place of the initial MEP subcontractor. In such event, if the contractor desires to substitute two or more MEP subcontractors in

place of the initial MEP subcontractor, that initial MEP subcontractor may be one of the substitute MEP subcontractors, if the amount of the new subcontract will not exceed the initial MEP subcontractor's Maximum Authorized Contract Amount.

EACH CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE FOREGOING, AND IN NO EVENT SHALL THE DISTRICT BE RESPONSIBLE OR LIABLE FOR COSTS INCURRED BY A CONTRACTOR THAT IS REQUIRED TO PROVIDE ANY SUBSTITUTE MEP CONTRACTOR IN ACCORDANCE WITH THE FOREGOING.

PART 11: NOTICE OF PREQUALIFICATION DETERMINATION

Within a reasonable time following the Prequalification Submittal Deadline, the District will issue a written "Notice of Prequalification Determination" to each contractor from which the District received a timely Prequalification Submittal.

The District will send a Notice of Prequalification Determination to a contractor electronically to the e-mail address specified by the contractor in the Contact Information section of its Questionnaire.

A Notice of Prequalification Determination to a contractor will serve as notice to the contractor regarding whether it is prequalified for award of a District contract for work on District Projects. If a contractor is so prequalified, the Notice of Prequalification Determination may also specify the Maximum Authorized Contract Amount for which the contractor has been prequalified as applicable.

In the event a Notice of Prequalification Determination specifies that a contractor has been disqualified (i.e., not prequalified), the Notice of Prequalification Determination shall also specify, upon request, the basis or bases for such determination.

PART 12: CONTRACTOR APPEALS

Untimely Submittals: If the District rejects a contractor's Prequalification Submittal as non-responsive because the District did not receive the Prequalification Submittal prior to the Prequalification Submittal Deadline, the rejection shall be deemed final and the contractor shall have no right to appeal such rejection to the District.

Withdrawn Submittals: A contractor that submits a written notice, as provided in Part 5 herein, to thereby withdraw its Prequalification Submittal shall be deemed and construed to have waived any and all rights to challenge any determination (or lack of determination) by the District in regard to the contractor's Prequalification Submittal or its prequalification status, including, but not limited to, any administrative, judicial or other rights, and such contractor shall have no rights whatsoever to file any appeal with the District in regard to such matters.

Timely but Non-Responsive Submittals: If a contractor timely submitted a Prequalification Submittal to the District, but the District rejected the Prequalification Submittal as non-responsive to the requirements of this Contractor Prequalification Package, the contractor may appeal such rejection to the District. A contractor's appeal shall be deemed to have merit only if the contractor can demonstrate that, as submitted, the Questionnaire was fully complete, the Prequalification Submittal included all supporting information that the Questionnaire required be included, and the Prequalification Submittal

otherwise complied with all requirements herein. If, upon administrative review of a contractor's appeal, the District determines that the contractor's Prequalification Submittal was responsive, the District shall review the Prequalification Submittal to determine whether or not the contractor is prequalified to perform work on District Projects and, thereafter, the District will issue a Notice of Prequalification Determination to the contractor as provided in Part 11 herein.

Disqualification: If a contractor timely submitted a responsive Prequalification Submittal to the District, but, as specified in the Notice of Prequalification Determination, the contractor was disqualified (i.e., not prequalified) by the District, the contractor may appeal such determination by the District. A contractor's appeal shall be deemed to have merit only if the contractor can demonstrate that the District did not correctly apply the scoring criteria specified in the Questionnaire to the contractor's Prequalification Submittal as submitted. If, upon administrative review of a contractor's appeal, the District determines that the contractor should have been prequalified, the District will issue a revised Notice of Prequalification Determination to the contractor.

Maximum Authorized Contract Amount: A contractor that has been prequalified by the District may appeal the District's determination as to the Maximum Authorized Contract Amount assigned to the contractor, as specified in the Notice of Prequalification Determination sent by the District to such contractor. A contractor's appeal shall be deemed to have merit only if the contractor can demonstrate that the District did not correctly determine the Maximum Authorized Contract Amount in accordance with Part 10 herein, based solely on the contractor's Prequalification Submittal as submitted, including but not limited to the bonding capacity set forth in the notarized statement provided by the contractor's surety insurer. If, upon administrative review of a contractor's appeal, the District determines that the contractor should have been assigned a different Maximum Authorized Contract Amount, the District will issue a revised Notice of Prequalification Determination to the contractor.

Deadline for Filing Appeals: A contractor that is authorized by this Part 12 to file an appeal must file its appeal with the District ***not later than 2:00 p.m. on the fourth calendar day*** following the date the District sends to the contractor via e-mail either the Notice of Non-Responsiveness or the Notice of Prequalification Determination, whichever is applicable ("Appeals Deadline"). For example, if the District sends a notice to a contractor via e-mail on a Monday, the Appeals Deadline will be 2:00 p.m. on the following Friday. If a contractor fails to file an appeal prior to the applicable Appeals Deadline, the contractor shall be deemed and construed to have waived any and all rights to challenge any determination by the District in regard to the contractor's Prequalification Submittal or its prequalification status, including, but not limited to, any administrative, judicial or other rights.

Method of Filing Appeal: Appeals may be filed with the District only by a contractor that timely submitted a Prequalification Submittal to the District and that is otherwise authorized to file an appeal by this Part 12. A contractor's appeal must: (i) be in writing on 8½ x 11 inch paper; (ii) specify in reasonable detail all bases for the appeal (e.g., errors by the District); (iii) specify in reasonable detail all facts asserted by the contractor in support of its appeal; (iv) include all documentation upon which the contractor will rely in connection with the appeal; and (v) must include signed certification by an authorized representative of the contractor in the following form "The undersigned hereby certifies, subject to penalty for perjury pursuant to the laws of the State of California, that: (1) the undersigned is a duly-authorized representative of the contractor that has filed this appeal; and (2) all assertions and facts set forth in this appeal by or on behalf of the contractor are true and correct." A contractor's appeal must be enclosed in a sealed envelope marked "Prequalification Appeal" and must be addressed and delivered to the District at its address specified on the title page of this document. If alternate delivery requirements are later enacted, such information shall be posted on the District's website.

Appeal Review and Hearing: Each appeal received by the District prior to the applicable Appeals Deadline shall be administratively reviewed by a person or persons designated by the District. A contractor's appeal may request that the District conduct a hearing on the appeal, in which event, the District shall schedule such hearing at a time and on a date that takes into consideration the number of appeals received by the District, District staff workload, and other relevant factors. Because of those factors, the District will not consider the convenience to the contractor when scheduling any appeal hearing. If a contractor or its authorized representative does not appear for its appeal hearing at the time and on the date scheduled by the District, the District shall rule on the contractor's appeal solely on the basis of the content of the contractor's written appeal. Appeal hearings will be informal and not subject to formal procedural requirements similar to those applicable to judicial hearings, although the District may impose a time limit on the hearing or any element thereof, and each person at the hearing must act in a courteous and professional manner. The purpose of a contractor's appeal hearing shall be to provide the contractor with a reasonable opportunity to present information and arguments in support of its appeal.

District Decision on Appeal: In rendering a decision on a contractor's appeal, the District will consider the contractor's written appeal, the information and arguments submitted by the contractor at its appeal hearing, if a hearing was conducted, and any other information the District may deem relevant to the appeal. The District will set forth its decision in regard to a contractor's appeal in a written notice to the contractor ("Notice of Decision on Appeal"), which, in appropriate cases, may include a revised Notice of Prequalification Determination. The District will send the Notice of Decision on Appeal to a contractor: (i) electronically to the e-mail address specified by the contractor in Section II of its Questionnaire; and/or (ii) by U.S. Mail to the street address specified by the contractor in Section II of its Questionnaire. The issuance of a Notice of Decision on Appeal by the District, after administrative review by the District of a contractor's appeal, shall be mandatory prerequisite to the filing or initiation of any Government Claims Act claim or judicial or other legal or equitable action relating to the contractor's Prequalification Submittal or its prequalification status.

PART 13: SUBSEQUENT REVIEW BY DISTRICT

Notwithstanding that the District, as provided in this Contractor Prequalification Package or by other process, may have determined that a contractor is prequalified to contract for and perform work on a District Project, the District may at any time: (i) request, receive, obtain, and evaluate information relating to whether the contractor is a "responsible" contractor; and (ii) undertake proceedings to determine whether the contractor is a "responsible" contractor for purposes of performing work on District Projects.

In addition, in the event the District reasonably determines that any information set forth in a contractor's Prequalification Submittal is false, misleading or inaccurate in any material respect, the District shall have the right to: (i) revoke the contractor's prequalification status; (ii) terminate for cause any contract that it has with the contractor (in which event the false, misleading or inaccurate information shall be conclusively deemed a sufficient cause for termination); (iii) require that any direct contractor to the District using the contractor as a subcontractor substitute a different subcontractor in place of the contractor (in which event the false, misleading or inaccurate information shall be conclusively deemed a sufficient cause for substitution); and/or (iv) recover all costs, losses, damages incurred by the District as a result of such misleading or inaccurate information or in connection with any of the foregoing actions by the District.

PART 14: CERTAIN INFORMATION NOT A PUBLIC RECORD

The information set forth in the "Contact Information" of the Questionnaire submitted by a contractor, consisting of the contractor's business name, address, telephone number, email and contact person, and also the contractor's license number and classification, shall be public information and may be disseminated by the District, whether upon request or on its own volition. However, all other information set forth in a contractor's Prequalification Submittal, including, but not limited to, any financial statement, shall not be public information and shall not be open to public inspection, unless made subject to such inspection by law or order of a governmental entity with competent jurisdiction. However, the District may disclose the information in any Prequalification Submittal to third parties for purposes of administration of the prequalification process and/or verification or investigation of any related information, including, without limitation, for purposes of any appeal hearing.

PART 15: CONTACTING THE DISTRICT

General questions regarding this Contractor Prequalification Package or the prequalification process may be submitted to the District's Facilities Department via telephone: (760) 752-1227. The District may require general questions to be submitted in writing. Questions regarding any technical difficulties with electronic submittal should be handled per instructions on the District's website/linked submittal website. Notices given in accordance with this Contractor Prequalification Package must be sent electronically to the following email address: jenny.axford@smusd.org

Questions regarding this Contractor Prequalification Package must be received by the District no later than 72 hours prior to the Prequalification Submittal Deadline ("Deadline for Questions"). The District, in its discretion, may determine not to respond to any question submitted after the Deadline for Questions. If the District determines to respond to a question submitted after the Deadline for Questions, the District may extend the deadline for submittal of Prequalification Submittals so that all contractors will have the benefit of responses to questions submitted after the Deadline for Questions.

The District, in its discretion, may or may not respond to any question that it receives in regard to contractor prequalification, and the District may determine to respond only to questions that raise issues generally of importance to all contractors or to the prequalification process. If the District does not respond to a question, the contractor prequalification documents and procedures will be interpreted on the basis of their "plain language" meaning and the lack of response to any question submitted in accordance with this Part 15 shall not be a basis for any challenge or appeal by any contractor. If the District chooses to respond to a question submitted in accordance with this Part 15, the District's response will be in the form of an addendum issued on its website. In no event shall the District be responsible or liable for any failure of any contractor to receive or obtain any such addendum.

CONTRACTOR QUESTIONNAIRE - ATTACHED

**DEPARTMENT OF INDUSTRIAL
RELATIONS**

**MODEL PRE-QUALIFICATION
QUESTIONNAIRE**

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “no.”¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.”² If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.
 Yes No
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
 Yes No
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
 Yes No Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.³
 Yes No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which

¹ A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 7.

² A contractor disqualified solely because of a “Yes” answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

³ Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 per cent of the qualifying amount provided in section 14837(d)(1).” As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?⁴

Yes No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

6. Has your contractor's license been revoked at any time in the last five years?

Yes No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

⁴ An additional notarized statement from the surety may be requested by *Public Entity* at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated : _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation’s stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

For Firms That Are Partnerships:

- 1a. Date of formation: _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
 1b. Social security number of company owner. _____
 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Firms That Intend to Make a Bid as Part of a Joint Venture:

- 1a. Date of commencement of joint venture. _____
 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

B. History of the Business and Organizational Performance

2. Has there been any change in ownership of the firm at any time during the last three years?
NOTE: A corporation whose shares are publicly traded is not required to answer this question.

Yes No

If "yes," explain on a separate signed page.

3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed page.

4. Are any corporate officers, partners or owners connected to any other construction firms.
NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed page.

5. State your firm's gross revenues for each of the last three years:

6. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

7. Is your firm currently the debtor in a bankruptcy case?

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

10. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.
- _____
- _____
11. Has your firm changed names or license number in the past five years?
 Yes No
 If "yes," explain on a separate signed page, including the reason for the change.
12. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?
 Yes No
 If "yes," explain on a separate signed page, including the reason for the change.
13. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
 Yes No
 If "yes," please explain on a separate signed sheet.

Disputes

14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
 Yes No
 If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.
15. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
 Yes No
 If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.
16. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years has any claim **against** your firm concerning your firm's work on a construction project been **filed in court or arbitration?**

Yes No

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

18. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration?**

Yes No

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

19. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

Yes No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

22. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

25. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

26. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

27. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If “yes,” attach a separate signed page describing each citation.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If “yes,” attach a separate signed page describing each citation.

31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

32. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:
NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

33. Within the last five years has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance?

Yes No

If “yes,” please explain the reason for the absence of workers’ compensation insurance on a separate signed page. If “No,” please provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers’ compensation insurance carrier verifying continuous workers’ compensation insurance coverage for the period that your firm has been in the construction business.)

Prevailing Wage and Apprenticeship Compliance Record

34. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the state’s prevailing wage laws?

NOTE: This question refers only to your own firm’s violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

Yes No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

35. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **federal Davis-Bacon** prevailing wage requirements?

Yes No

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

36. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.

37. If your firm operates its own State-approved apprenticeship program:

- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
- (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No

If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

39. Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years.⁵ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

⁵ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

* * * * *

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____
(Name)

**A LIST OF THE SCORABLE
QUESTIONS AND THE SCORING
INSTRUCTIONS**

A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

The scorable questions arise in three different areas:

- (I) History of the business and organizational performance;
- (II) Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and
- (III) Completion of recent projects and quality of performance.

The interview questions (interviews by the public agency of project managers on projects completed recently by the contractor) are included in group III. In a pre-qualification procedure for a single project, this last category would also include a scoring of the number of recently completed projects that are similar to the project on which pre-qualification is at issue. However, scoring linked to the similarity of past projects would **probably not be possible or useful** if the public agency as part of a procedure to pre-qualify contractors for an extended period.

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers and history. This document includes only those questions that are "scorable." The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Scores Needed for Prequalification

To prequalify, a contractor would be required to have a passing grade within each of the three large categories referred to above.

For Section I, "History of the business and organizational performance," DIR recommends use of a passing score of **57** on this portion of the questionnaire (of a maximum score of 76 on this portion of the questionnaire).

For Section II, Compliance with occupational safety and health laws, workers' compensation and other labor legislation DIR recommends use of a passing score of **38** on this portion of the questionnaire (of a maximum score of 53 points on this portion of the questionnaire).

Section III, Completion of recent projects and quality of performance, includes a series of interview questions, and may also include questions about recently completed (public or private) construction projects. For the interview questions, DIR recommends that a public agency interview project managers for the owners of two completed projects. DIR recommends a scoring system that would allow a maximum score of 120 points for each interview. For these questions, DIR recommends qualification for a contractor whose score on each of two interviews is 72 points or more; a denial of pre-qualification

for a contractor whose score on either interview is less than 55 points; and an additional interview with another reference if the score resulting from one interview is between 55 points and 72 points.

DIR makes no recommendation about how to score a contractor's answers about recently completed past projects. Because of the wide range of projects that a public agency may be planning, and the similarly wide range in the skills, abilities, and experience that a public agency will consider most important for a pending project, it is impossible to propose a useful model scoring system to apply to the answers given about a contractor's completed projects.

Questions about History of the Business and Organizational Performance

(16 questions)

1. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

3 years or more = 2 points

4 years = 3 points 5 years = 4 pts.

6 years or more = 5 points

2. Is your firm currently the debtor in a bankruptcy case?

Yes No

“No” = 3 points“ “Yes” = 0 points

3. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).

Yes No

“No” = 3 points“ “Yes” = 0 points

4. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

No = 5 points Yes = 0 points

5. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?
 Yes No

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages = 5 points.

Two projects with liquidated damages of more than \$50,000 = 3 points

Any other answer: no points

6. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

No = 5 points Yes = 0 points

7. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?
 Yes No

No = 5 points Yes = 0 points

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

8. In the past five years, has any claim **against** your firm concerning your firm's work on a construction project, been **filed in court or arbitration?**

Yes No

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

9. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and **filed that claim in court or arbitration?**

Yes No

If your firm's average gross revenues for the last three years was less than \$50 million scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

10. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?
 Yes No

***5 points for either "No" or "Yes" indicating 1 such claim.
3 points for "Yes" indicating no more than 2 such claims
Subtract five points for "Yes" if more than 2 such claims***

11. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

***5 points for either "No" or "Yes" indicating 1 such instance.
3 points for "Yes" indicating 2 such instances.
0 points for "Yes" or if more than 2 such instances.***

12. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
 Yes No

No = 5 points Yes = subtract 5 points

13. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
 Yes No

No = 5 points Yes = subtract 5 points

14. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
 Yes No

No = 5 points Yes = subtract 5 points

15. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

*5 points if the rate is no more than one per cent
3 points if the rate was no higher than 1.10 per cent.
0 points for any other answer.*

16. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

No = 5 points Yes = 0 points

**Questions about compliance with safety, workers compensation,
prevailing wage and apprenticeship laws.**

(11 questions)

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

Note: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If the firm’s average gross revenues for the last three years was less than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.*

If the firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.*

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If yes, attach a separate signed page describing each citation.

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

***3 points for an answer of once each week or more often.
0 points for any other answer***

5. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher, you may, if you wish, attach a letter of explanation.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95 but no more than 1.00

0 points for any other EMR

6. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

5 points for either "No" or "Yes" indicating 1 such instance.

0 points for any other answer.

7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **state's** prevailing wage laws?
 Yes No

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

*5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.*

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either "No" or "Yes" indicating no more than 4 such instances.
3 points for "Yes" indicating either 5 or 6 such instances.
0 points for "Yes" and more than 6 such instances.*

8. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?
 Yes No

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

*5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.*

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either "No" or "Yes" indicating no more than 4 such instances.
3 points for "Yes" indicating either 5 or 6 such instances.
0 points for "Yes" and more than 6 such instances.*

9. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.
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-

***5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.***

10. If your firm operates its own State-approved apprenticeship program:
- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
 - (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
 - (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employer by your firm.

11. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998 if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No.

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s).

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

Questions concerning recent construction projects completed:
(one question, plus 11 interview questions)

The following question to be scored only where a public agency is undertaking a pre-qualification procedure valid for a single project only.

1. Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years.⁶ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

* * * * *

⁶ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

Scoring of previous projects completed:

For pre-qualification for a single project that may require specific skills and capabilities, public agencies may choose to score contractors for the number of similar projects completed, and the degree of similarity between past projects and the planned project. DIR has not suggested any scoring for this aspect of the pre-qualification process, because of the numerous possible variations in both the type of project to be built and the points of similarity between the pending project and past projects that may be significant to the public agency.