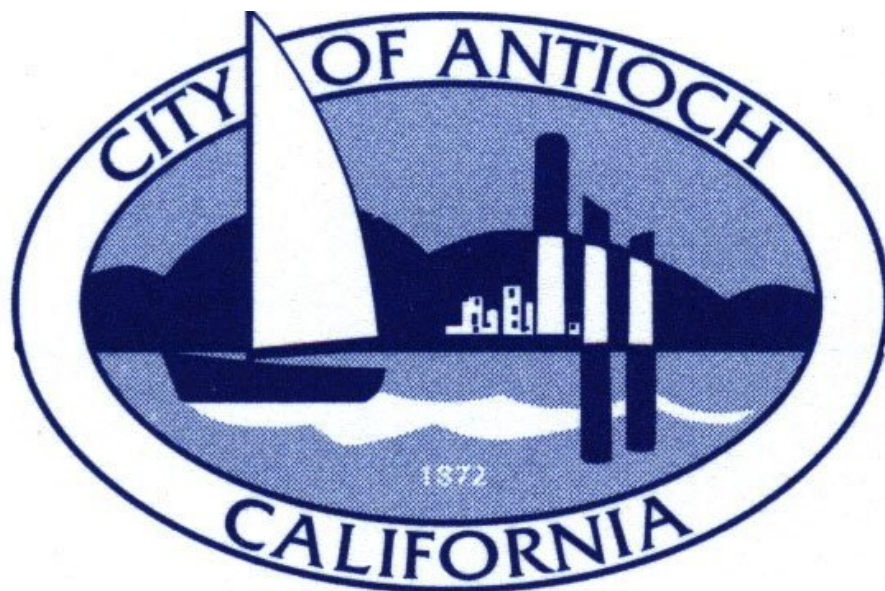


**NOTICE TO PROSPECTIVE BIDDERS  
AND  
PRE-QUALIFICATION STATEMENT**



FOR

**PREWETT PARK COMMUNITY FACILITIES  
4703 LONE TREE WAY  
ANTIOCH, CA 94531**

CITY OF ANTIOCH CONTRACT NO. PW567-C

## **NOTICE TO PROSPECTIVE BIDDERS**

1. This Notice to Prospective Bidders is hereby given by the City of Antioch ("City"), announcing that fully completed and sealed "Pre-qualification Statements" ("PQS") from general contractors ("Prospective Bidder(s)") interested in participating in the pre-qualification of bidders process will be accepted no later than **2:00 p.m., December 12, 2008**, in the Office of the City Clerk of the City of Antioch, located at Third and "H" Street, Antioch, California 94531. By this Notice, the City is soliciting Prospective Bidders who may wish to submit a future bid for a public building construction contract for the Prewett Park Community Facilities ("Project") to be constructed in the City of Antioch.
2. City will review the completed PQS and, based on predetermined criteria, choose which of the Prospective Bidders will be placed on the final list of pre-qualified bidders (" Pre-qualified Bidders List"). The City will inform each Prospective Bidder whether it will be placed on the Pre-qualified Bidders List. A Prospective Bidder who does not submit a completed PQS by the required date and time will not be considered. Only Prospective Bidders placed on the Pre-qualified Bidders List will be eligible to subsequently receive a bid package, and only bids from pre-qualified bidders will be accepted. The City intends to commence the bid process in January 2009.
3. Prospective Bidders' attention is directed to the following information:
  - a. **PROJECT DESCRIPTION.** The Antioch Center Community Project, PW567-C, located at 4703 Lone Tree Way in Antioch, CA consists of a single level 35,700 square foot steel framed building, housing a community center, library express and police substation. The community center plans include an 8,000 square foot gymnasium, community room, multi-purpose rooms for classes, computer room, outdoor play areas for children, administrative offices, and an amphitheatre for outdoor activities such as concerts and plays. The project is more thoroughly described on the plans, specifications, and bid documents
  - b. **COST RANGE.** Project construction is estimated at approximately \$16 - \$18 million
  - c. **CONTRACT TIME.** Time to complete the Project (including all construction and improvements) is anticipated to require approximately 17 months following the effective Notice to Proceed date.
  - d. **PQS DELIVERY.** PQS's shall be completed and addressed to the City Clerk of the City of Antioch in an envelope labeled, "Pre-Qualification Statement – Prewett Park Community Facilities Project PW567-C."
  - e. **CALIFORNIA STATE CONTRACTOR'S LICENSING REQUIREMENT.** Copies of California State Contractor's Licenses are not required to be submitted with the PQS. However, all prospective Bidders must possess a Class B California Contractor's License at the time of bid submission.
  - f. **BIDDERS' SECURITY.** Bidders' Security is not required to be submitted with the PQS. However, at the time bids are submitted by the Pre-qualified Bidders, each bid must be accompanied by either cash, an irrevocable standby letter of credit, a

cashier's check, or a bond in the sum of not less than ten percent (10%) of the total aggregate of the bid including all additive and/or alternate Bid Items. The check or bond shall be made payable to the City.

- g. **BONDS, INSURANCE AND EXECUTED AGREEMENT.** Project will require the following bonds and insurance:
  - 1) Payment bond in an amount equal to one hundred percent (100%) of the Contract price;
  - 2) Performance bond in an amount equal to one hundred percent (100%) of the Contract price;
  - 3) Insurance certificate(s) for general commercial liability, workers' compensation, automobile liability, and builders' all-risk construction insurance, as specified in the Bid Documents.
- h. **CLARIFICATIONS AND ADDENDA.** The City may issue Addenda as appropriate for clarification or other reasons during the PQS process. All requests for clarification or interpretation must be submitted at least ten (10) days before the respective deadlines for receipt of PQS.

4. **INVITATION TO COMPLETE AND SUBMIT PRE-QUALIFICATION STATEMENTS/ MILESTONES**

- a. It is mandatory that all Prospective Bidders intending to submit bids for the Project submit the Pre-Qualifications Statement (PQS) and be approved by the City to be on the Prequalified Bidders List. City intends to commence the bid process in late January 2009.

Prospective Bidders shall submit the PQS no later than **2:00 p.m. December 12, 2008**, to the City Clerk's Office of the City of Antioch, California 94531. Four sets of the PQS, with all exhibits and additional information sheet attachments, shall be submitted. All information submitted for prequalification evaluation, including the PQS will be considered official information acquired in confidence and the City will maintain its confidentiality to the extent permitted by law.

- b. The City will evaluate the information contained in each Prospective Bidder's PQS and may request additional pertinent information. The City's decision will be based on the evaluation of several factors as set forth herein. Prospective Bidders unable to meet the "Essential Requirements for Prequalification Status" set forth in Part I or unable to receive a passing score in the Scorable Questions shall not be prequalified. Should a Prospective Bidder be deemed to be ineligible to bid on this Project, the City will provide upon request the basis for the decision.
- c. A Prospective Bidder deemed ineligible to bid on this Project may appeal the original determination of the City within seven (7) calendar days from the date the list of pre-qualified Prospective Bidders is announced. A Prospective Bidder that wishes to appeal must do so by filing with the City Clerk's Office a written request stating the basis for the appeal, and by supplying any new or additional documentation and/or evidence supporting the request within the stated time. City will review the matter within seven (7) calendar days of the close of the appeal period. City will review new evidence provided by the Prospective Bidder demonstrating qualifications to perform

the work for the Project. If the Prospective Bidder is deemed eligible after the new evidence is evaluated, the City will add the Prospective Bidder to the Bidder's List.

- d. The PQS is aimed at evaluating Prospective Bidders' quality, trustworthiness, fitness and capacity to satisfactorily perform the proposed work for the Project.
  - e. During the evaluation of the PQS, should any additional information be requested by the City, Prospective Bidders must provide that information within two (2) working days of the request, unless otherwise stated in writing by the City. Failure to provide the information within the specified time period may result in disqualification from the Prequalification process.
- 5. If any discrepancy exists between the provisions of Notice to Prospective Bidders and the provisions of PQS, the terms of the PQS will control.
  - 6. Issuance of this Notice to Prospective Bidders and the provisions of PQS do not commit the City to pre-qualify any Prospective Bidder or to pay any costs incurred in the preparation of a PQS.
  - 7. Any questions concerning the PQS should be directed to:

Tom Hedges  
Critical Solutions, Inc.  
E-Mail: [tom@csipm.com](mailto:tom@csipm.com)  
Phone: (925) 944-5060  
FAX: (925) 944-5060

Issued by the City of Antioch

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Lonnie Karste  
Project Manager

Date

**CONTACT INFORMATION**

Firm Name: \_\_\_\_\_  
(as it appears on license)

Check One:  Corporation  
 Partnership  
 Sole Proprietor

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.”<sup>1</sup>**

**Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.”<sup>2</sup> 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. Contractor will also be immediately disqualified if the qualification of contractors proposed superintendent’s and project manger’s requested in question 10 do not meet the criteria established**

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 \$5,000,000 per occurrence and \$10,000,000 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.<sup>3</sup>  
 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 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?<sup>4</sup>  
 Yes       No

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

**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

10. Personnel:

Provide complete qualification information for a minimum of two Project Managers and two Superintendents one of whom will be assigned to this project. Provide an organizational chart defining the relationship of the project specific personnel to the company.

Proposed staff to be committed to the Project must have experience in project management, construction management, field supervision and coordination, and managing work where such staff was acting on behalf of a General Contractor in a similar role on a project of similar scope and magnitude. Prospective Bidders shall provide resumes of all proposed personnel showing evidence of the above; including a list of all projects they have managed, supervised or worked on within the last five (5) years. Below are the minimum requirements for each individual:

- a. Project Manager: A minimum of 10 years of construction experience with a minimum of 5 years of experience managing similar building projects with a construction value over \$15 million.
- b. Project Superintendent: A minimum of 15 years of experience with a minimum of 10 years of experience managing similar building projects with a construction value over \$15 million.

**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?

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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]*.

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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.

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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**

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.<sup>5</sup> 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: \_\_\_\_\_

<sup>5</sup> 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.

\* \* \* \* \*

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**

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.

**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," 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, 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, the City will interview the owner, architect, and/or construction manager of at least two completed projects. If more than one person is interviewed an average score of these interviews will be used. The maximum score for each interview will be 120 points. A score of 72 points will qualify the

contractor for this section of the pre-qualification; 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.

**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]*.
- 
- 

**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 employed 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.***