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REQUEST FOR QUALIFICATIONS

**Lease-Leaseback (Education Code § 17406) Project Delivery Services
For
Athletic Sports Complex at Luther Burbank High School
A Joint Use Project
Between the City of Sacramento and Sacramento City Unified School District
and
Athletic Fields at various schools
within the Sacramento City Unified School District**

RFQ issued: April 20, 2009
RFQ due: May 18, 2009, 4:30 p.m.

Place: Sacramento City Unified School District
Purchasing Services
3051 Redding Avenue
Sacramento CA 95820

Contact: James C. Dobson, Director II, Planning Department
Sacramento City Unified School District
(916) 643-9230 ♦ Fax (916) 643-2595 ♦ jimd@sac-city.k12.ca.us

Alan S. Tomiyama, Recreation Manager, City of Sacramento
Department of Parks and Recreation
(916) 808-8958 ♦ Fax (916) 808-7643 ♦ atomiyama@cityofsacramento.org

SUBMITTAL INSTRUCTIONS: Complete proposals must be delivered to the above address in a sealed envelope *prior* to the date and time specified. ***Late submittals will not be considered.*** In addition to your complete Entity name and address, please annotate the envelope as follows:
"CONFIDENTIAL - RFQ for Lease-Leaseback Project Delivery Services".

**Lease-Leaseback (Education Code § 17406) Project Delivery Services
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The City of Sacramento (“City”) and Sacramento City Unified School District (“District”) are seeking a qualified entity, whether as a single firm or an association of firms (“Entity” or “Entities”), to provide the following component services for comprehensive Lease-Leaseback (“LLB”) Project Delivery Services during all phases including design, approval, preconstruction, and construction phases (“LLB Project Delivery Services”):

- (1) Architect/Engineering services;
- (2) Preconstruction Consultant services; and
- (3) Construction services.

Beals Alliance, Inc. has provided an overall master plan including the projects for which LLB Project Delivery Services are sought. They are:

- (1) the City of Sacramento and Sacramento City Unified School District Joint Use Athletic Sports Complex Project at Luther Burbank High School (“Joint Use Complex Project”); and
- (2) as yet unspecified Sacramento City Unified School District athletic field projects at various sites (“District Field Projects”).

Whenever hereinafter referred to collectively, the Joint Use Complex Project and the District Field Projects will be called “the Projects.”

This Request for Qualifications describes the projects, the selection process, and the minimum information that must be included in the proposal.

I. INTRODUCTION

Section 1.

The City and / or District, through this RFQ process, invite Entities to present proposals for LLB Project Delivery Services for the Joint Use Complex Project at Luther Burbank High School, a comprehensive high school located at 3500 Florin Road, Sacramento, California, 95823, and for District Field Projects. It is our belief that using the LLB construction project delivery method, and involving all project participants early in the process in a collaborative atmosphere of equals will result in a project that can be delivered with more predictable results: reasonable and reliable budgets, reliable timelines, and the best possible quality. We seek to gain the benefit of an environment where team members are encouraged to share ideas freely in an atmosphere of mutual respect, tolerance, and trust, and to explore ways to deliver the project that mitigate the uncertainty, frustration and risk inherent in the design-bid-build delivery method. Team members will be expected to work together to achieve transparent and cooperative exchange of information in all matters relating to the project, and to share ideas for continuously improving project delivery during the course of design and construction.

Section 2.

It is the intent of this RFQ process, and the questionnaire and documents required herewith, to assist the City and / or District in determining responsibility prior to the submission of proposals and to assist in selecting qualified, responsible Entities. However, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude us from determining whether an Entity has the quality, fitness, capacity, and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness, after it has already pre-qualified. Rejection of any or all proposals, to contract work with whomever and in whatever manner, to abandon work entirely, and/or to waive any informality in receiving of proposals is reserved as the right of the City and / or District. Before a contract is awarded, the City and / or District may require from the proposed Entity further evidence of the reasonable qualifications of such Entity to faithfully, capably, and reasonably perform such proposed work and may consider such evidence before making its decision on the award of such proposed work.

Each questionnaire must be signed under penalty of perjury as designated at the end of the form, by the individuals who have the legal authority to bind the Entity on whose behalf those persons are signing. Each Entity must complete a questionnaire. If any information provided becomes inaccurate, the Entity must immediately provide notification and updated accurate information in writing, under penalty of perjury.

Answers to all questions contained in the questionnaire, information about current bonding capacity, notarized statement from surety, and supplemental information, including a profit/loss statement for the current period, and an audited year-end fiscal report, are required. This information will be the basis of rating Entities. Entities that are comprised of an association of firms are required to have each such firm individually answer all such questions, and individually provide all such information, reports, and statements. The City and the District reserve the right to check other sources. The decision regarding qualification will be based on objective evaluation criteria.

II. CRITICAL DATES

Mandatory Pre-Submittal Conference

A Mandatory Pre-Submittal Conference will be held on Monday, April 27, 2009, at 1:00 PM starting at the following location: Luther Burbank High School, a comprehensive high school located at 3500 Florin Road, Sacramento, California, 95823. Attendees will meet in the Administration Building, Burbank Room. At the Pre-Submittal Conference, City and / or District representatives will distribute information and materials to further describe the Projects, the scope of work, and may walk up to the site of the proposed Joint Use Complex Project. Respondents shall consider and address the materials and information distributed at the Pre-Submittal Conference in their submittals. Entities that fail to attend the Mandatory Pre-Submittal Conference are ineligible to respond to this RFQ.

Statement of Qualifications (SOQ) Due Date:

Complete proposals must be delivered in a sealed envelope *prior* to the date and time specified. **Late submittals will not be considered.** In addition to your complete firm name and address, please annotate the envelope as follows: "CONFIDENTIAL - SOQ for Lease-Leaseback Project Delivery Services." Submission of SOQ by facsimile or e-mail is not acceptable.

Schedule of Events

PHASE I	DATE
Release of RFQ Documents	April 20, 2009
MANDATORY – Pre-submittal Conference @ Burbank HS	April 27, 2009, 1:00 p.m.
Statements of Qualifications Due	May 18, 2009, 4:30 p.m.
Evaluate Qualifications & Reference Checks	May 22, 2009
Notification of Interviews	May 26, 2009
Interviews	June 1 – 5, 2009
Selection Committee Review / Recommendation	June 5, 2009
Notification of Selection	June 12, 2009
Project Award (Board of Education approval)	June 18, 2009

Interviews:

It is anticipated that Entities selected for interviews shall be notified of that selection by not later than May 26, 2009.

III. The Projects/General Scope of Work

The District secured the services of Beals Alliance, Inc. to provide an overall conceptual master plan for the athletic sports complex at Luther Burbank High School and the athletic field renovations at other high school and middle school campuses.

The Joint Use Complex Project will require complete design for and demolition of existing field, structures and appurtenances and the construction of Synthetic track and field, bleachers and ancillary structures, ball fields, and completion of the complex including facilities for concessions, and tennis and volleyball courts.

The District Field Projects will require complete design work for the renovation of various high school and middle school athletic fields through DSA approval. Actual construction is contingent upon District financing.

IV. Contract Parameters

Financing

The City and / or District do not contemplate borrowing any funds from the selected Entity.

Funding for the Joint Use Complex Project is dependent upon approval of the MOU between the City and / or District and available funding. All lease payments and final payments will be made with City and / or District funds. Therefore, no additional fees for inclusion of a separate development or financing entity will be considered. All other projects, if awarded, will use District funding.

Compensation

Architectural/Engineering Services shall be compensated pursuant to the terms of the district's Architectural/Engineering Services Agreement.

Compensation for Preconstruction Services shall be included, as a separate line item, in the Guaranteed Maximum Price (GMP) set forth in Lease-Leaseback Documents to be entered into by the parties, and shall be payable pursuant to the terms of the Lease-Leaseback Documents. Construction Services, as a separate line item, shall also be included in the GMP. The Entity shall

assume the risk of cost overruns that were not foreseeable at the time the agreement is entered into. The GMP is a fee to the Entity and the Entity shall be entitled to any unused portions of it. The GMP shall include, but not be limited to, increases in labor and materials, and the Entity shall not be entitled to additional payments because of such cost increases.

The City and / or District reserve the right to review GMP for compliance with City and / or District proposed budget and may terminate Preconstruction Services at any time without cause.

Contract Documents

If ultimately awarded a project, the Entity shall perform work subject to the terms and conditions of the following district contract documents: Architect/Engineer contract, a pre-construction contract, a lease-leaseback agreement, site lease, sublease, project stabilization agreement, and district's General Conditions for Contract of Construction, dated March 9, 2007 ("General Conditions").

Special Conditions

1. Non-Discrimination. The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.
2. Drug-Free Policy and Fingerprinting. The selected LLB entity shall be required to complete any and all fingerprinting requirements and criminal background checks required by State law and shall also be required to complete a Drug-Free workplace certificate.
3. Prevailing Wages. Respondents are advised that these projects are a public work for purposes of the California Labor Code, which requires enforcement of prevailing wage requirements.
4. Securities. Respondents are advised that if awarded a contract they will be permitted, at their request and expense and in accordance with Section 22300 of the California Public Contract Code, to substitute securities equivalent to retention monies withheld by District to insure performance under the contract.
5. Bonding. The successful LLB Entity will be required to furnish a Performance Bond in the amount of one hundred percent of the contract price, and a Payment (Material and Labor) Bond in the amount of one hundred percent of the contract price.
6. Limitation. This RFQ does not commit the City or District to award a contract. Costs incurred with the preparation of an SOQ pursuant to this RFQ, are the sole responsibility of the Entities.

V. Scope of Services/Relationships

Project Definition

The District and Entity will establish the project quality, cost, and schedule. All are expected to fully participate and collaborate. The project definition (scope, budget, quality, and schedule) that results will be agreed upon by all, with the expectation of project delivery within the established parameters. For the Joint Use Complex Project, the City will participate and collaborate in the project.

Design and document production

Various members of the Entity will be involved during various phases of design and document production at a level much greater than is typical in design-bid-build projects:

1. Schematic Design Development Phase will involve the procurement of design consultants selected based on qualifications and fee. The A/E firm shall submit

qualifications to the City and / or District for review and approval. A/E firms shall possess, or procure design consultants that possess Building Information Modeling (BIM) capabilities.

2. Design Development Phase will involve the procurement of subcontractors to provide design assistance to the Entity. The Entity will competitively bid subcontract work and submit bids to the City and / or District for review and approval.
3. 100% Construction Document Phase will involve the procurement of subcontractors to provide design assistance through DSA Project plan approval. In addition, the Entity will competitively bid subcontractor work and submit bids to the City and / or District for review and approval.
4. The City and District reserve the right to reject any and all subcontractors.
5. It is our further preference that the Preconstruction Services will involve the individuals and subcontractors who will actually construct the Projects.

Constructability

The City and / or District believe that constructability review is a process, not an event. The Entity and its subcontractors will be expected to provide constructability input on a continuous basis, and will be involved throughout design, document production, and DSA review period.

Self-performed Work

The City and / or District recognize that self-performed work may be a benefit to the projects and encourage the Entity to propose to self-perform trade scopes of work whenever it is in the best interest of the projects. The City and / or District will ultimately determine whether to accept such proposals, and retain the right to require any scope of work to be priced by at least two qualified subcontractors.

VI. Statement of Qualifications Format and Content

The Statement of Qualifications (SOQ) should be clear, concise, complete, well organized and demonstrate the Entity's qualifications and ability to follow instructions.

Eight (8) bound copies and one (1) unbound copy of the SOQ shall be provided, with all materials bound to an approximately 8 ½" x 11" format. Please number pages.

The SOQ shall be sealed with the Entity's name, address, and "CONFIDENTIAL - SOQ for Lease-Leaseback Project Delivery Services" clearly visible on the outside. Within the sealed envelope, a separate sealed envelope shall contain the required financial documents.

All Entities are requested to follow the order and format specified below. Each firm comprising the Entity (if more than one) must separately answer all questions and requests for information. Please tab each section of the submittal to correspond to the numbers/headers shown below.

Submittal Cover

Include the Request for Qualification (RFQ) title and submittal due date, the name, address, fax number, and the telephone number of Entity (joint venture or association firm names).

1. Table of Contents

Include a complete and clear listing of headings and pages to allow easy reference to key information.

2. Cover Letter

Include a cover letter signed by an officer of the Entity submitting the SOQ, or signed by another person with authority to act on behalf of and bind the Entity. The letter should certify that the information contained in the SOQ is true and correct, and that the signatory (ies) has authority to act on behalf of and bind the Entity. Please also indicate the contact person(s) for the Project(s).

3. Executive Summary

Briefly summarize or paraphrase your proposal. Entities are encouraged to provide comments on the proposed scope of services and briefly describe your company philosophy on collaboration during preconstruction.

4. General information

Include number of employees, years in business, name(s) of owner and home office location, local office location (if different), types of licenses held, primary business types and market areas.

5. License Requirements

An Entity must possess the California licenses required to complete the Projects for which it is submitting a proposal. Architects, construction managers, and general contractors must all be licensed to perform the scope of work applicable to them anticipated for the Projects.

Provide the following information for the license:

- Name of license holders exactly as on file
- License Classification
- License Number
- Date Issued
- Expiration Date
- Whether license has been suspended or revoked in the past 5 years. If yes, please explain.

6. Organization

Show an organizational chart for the Entity indicating principals, project managers, construction managers, and superintendents. Give a brief description of the roles of each person on the team that will provide LLB Project Delivery Services and their office location. In narrative form, briefly discuss each member's experience and its relevance to the Projects. It is the expectation that the project managers selected for an Entity will remain with the Projects until successful closeout.

7. Experience

Describe your specific experience with K-12 public school projects conducted under California Education Code section 17406. Describe your experience with public parks and athletic field projects.

8. Approach

Describe your approach to the program, including any creative methodology or technology that you currently use or unique resources that you can offer. Topics should include discussion of past experience with innovative project delivery techniques. Emphasis should be placed on the Entity's ability to work in a collaborative manner in the program. Respondents should also describe their intent and proposed timing for integrating subcontractors into the design process, and how they will promote collaboration from the subcontractors.

9. Workplan

Provide a workplan for the preconstruction phase of each Project that incorporates the goals and objectives described in the RFQ. Include specific individuals involved in specific tasks, descriptions of tasks, the times and durations involved, and the type of work products to be provided.

10. Financial Documents

Provide a profit/loss statement for the current period, and an audited year-end fiscal report. These items should be sealed separately and included in the package.

VII. An Overview of the Documents in this Package

Included in this package are:

1. The Questionnaire and scorable questions to be completed and submitted with SOQ.
2. The Scoring System for rating.

VIII. Determination Process

The City and / or District will determine whether Entities have been deemed qualified to submit a Phase II proposal on the projects. Entities are allowed to dispute their status prior to the closing time for receipt of proposals. There is no appeal from a finding that an Entity is not pre-qualified, but re-application during one of the designated time periods is permitted.

PHASE I - QUESTIONNAIRE

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(As it appears on license) Partnership/LLC or LLP

- Joint Venture
- Association/Other

Contact Person: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

Parts I through IV shall be completed individually by each firm represented in an Entity:

PART I. REQUIREMENTS FOR QUALIFICATION

1. Entity possesses valid and current California licenses for the project.
 Yes No

2. Entity has a liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$3,000,000 aggregate.
 Yes No

3. Entity 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

4. Please attach 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 that states that the Entity's current bonding capacity is sufficient for the projects for which you seek pre-qualification.¹
NOTE: Notarized statement must be from the surety company, not an agent or broker.
 Yes, attached No, please explain

5. Has your Entity's license been revoked at any time in the last five years?
 Yes (immediate disqualification) No

6. Has a surety firm completed a contract on your behalf, or paid for completion because your Entity was default terminated by the project owner within the last five (5) years?
 Yes (immediate disqualification) No

7. At the time of submitting this Phase I questionnaire, is your Entity ineligible to 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 (immediate disqualification) No

8. At any time during the last five years, has your Entity, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a public construction project, or the bidding, proposal, or performance of a public contract?
 Yes (immediate disqualification) No

¹ An additional notarized statement from the surety may be requested by the District at the time of submission of a bid.

PART II. ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL & CRIMINAL LAWS

History of the Entity and Organizational Performance. Answers to the following questions may be used as part of the determination whether an Entity is qualified to submit a Phase II proposal.

1. Has there been any change in ownership of the Entity 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.
2. Is the Entity a subsidiary, parent, holding company or affiliate of another 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 Entity holds a similar position in another firm.
 Yes No
If "yes," explain on a separate signed page.
3. Are any corporate officers, partners or owners connected to any other firms?
NOTE: Include information about other firms if an owner, partner, or officer of your Entity holds a similar position in another firm.
 Yes No
If "yes," explain on a separate signed page.
4. How many years has your Entity been in business in California under your present business name and license number? _____ Years
5. List all California construction license numbers, classifications and expiration dates of the California licenses held by your Entity:

6. If any of your Entity'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.

7. Has your Entity 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.
8. Has any owner, partner or (for corporations): officer of your Entity operated a 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.

9. At any time during the past five years, has any surety company made any payments on your Entity's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your Entity'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 claim was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

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

Yes No

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

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

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

12. During the last five years, has your Entity ever been denied bond coverage by a surety company, or has there ever been a period of time when your Entity 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 that denied coverage; and the period during which you had no surety bond in place.

13. Within the last five years has there ever been a period when your Entity 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," provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years.

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

NOTE: This question refers only to your own Entity'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.

15. At any time during the last five years, has your Entity been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?
 Yes No
If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).
16. Will you require relevant subcontractors to participate in a State-approved apprenticeship program?
 Yes No
17. If awarded a Project, do you agree to be bound by the terms of the Sacramento City Unified School District's Project Stabilization Agreement?
 Yes No
18. Has your Entity failed to complete a project as awarded under the provisions of Education Code Section 17406 et. seq? If the answer is yes, please attach a separate sheet or sheets describing the circumstances.
 Yes No
19. Has the Entity been foreclosed upon for any projects awarded under the provisions of Education Code Section 17406 et. seq? If the answer is yes, please attach a separate sheet or sheets describing the circumstances.
 Yes No
20. Has lending been suspended on any projects awarded under the provisions of Education Code Section 17406 et. seq? If the answer is yes, please attach a separate sheet or sheets describing the circumstances.
 Yes No
21. Is your Entity currently the debtor in a bankruptcy case? If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.
 Yes No
22. Does the Entity or any member of the Entity now have, or has it ever had, any direct or indirect business, financial or other relationship with the District, its Board of Education, or with the City of Sacramento or its Council members? If the answer is yes, please attach a separate sheet or sheets describing the relationship(s) and identifying the entities and/or individuals involved.
 Yes No

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

Submission of the following work history in paragraphs 1 and 2 and certifications in paragraph 3 may be used by the City and / or District as part of the determination whether an Entity is qualified to submit a Phase II proposal.

- 1. GENERAL RELEVANT EXPERIENCE. Entity shall provide information about its five most recently completed park or athletic field projects. Indicate whether these projects fell under the jurisdiction of the California Division of State Architect. Indicate which of the projects were completed pursuant to contracts let under Education Code §17406 (lease-leaseback). For design firms, list projects for which the Entity provided planning and design services. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information.

Project Name: _____

DSA Application & file Number: _____

Location: _____

Owner: _____

Description of Project, Scope of Work Performed:

Ed Code §17406 Agreement (lease – leaseback)? Yes: _____ No. _____

Owner Contact (name and current phone number):

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

Construction Manager (if any on project) (name and current phone number):

Inspector(s) on the Project (name and current phone number):

Total Value of Original Construction Project: \$ _____

Total Value of Change Orders: \$ _____

Final Contract Price: \$ _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

2. EXPERIENCE RELEVANT TO PROJECTS. Entity shall demonstrate the ability/experience to complete all phases of the Projects within a GMP. In order to demonstrate such experience, please list the following (either on separate sheets of paper or included as part of Contractor's project history in paragraph 1, above):
- a. Projects completed that are similar to that contemplated by this RFQ;
 - b. List the subcontractors used on prior projects (listed in subparagraph a) that would also be used on Project(s);
 - c. State whether the project was a project approved by the Division of the State Architect.
3. CERTIFICATIONS. Entity certifies the following:
- a. Entity has the ability and is qualified to complete the projects within the allotted Construction Schedule period, if a Construction Schedule has been provided.
 - b. Entity has the ability and is qualified to obtain all necessary permits for construction in the City of Sacramento and the unincorporated County.
 - c. Entity has the ability and is qualified to furnish and install a fire suppression system consisting of, but not limited to, fire hydrants, fire sprinklers, post indicator valves, and fire department hook up stand pipes.

ENTITY CERTIFIES:

TO ALL OF THE ABOVE: _____
(SIGNATURE)

OR

TO PARAGRAPH NUMBERS: _____
(SIGNATURE)

Part IV: SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

Note: Not all questions in the questionnaire are scorable; some simply ask for information about the Entity's structure, officers and history. This part includes only those questions that are "scorable."

To qualify under Part IV, an Entity is required to have a passing grade of 95 points. A passing score under Part IV is only one part of the determination of qualifying for Phase II.

SCORABLE QUESTIONS

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

**3 years or less = 2 points; 4 years = 3 points; 5 years = 4 points;
6 years or more = 5 points**

2. How many public works school district projects has your Entity/company completed pursuant to Education Code section 17406 (lease – leaseback)?

5 or more projects = 5 points; 3-4 projects = 4 points; 1-2 projects = 3 points.

3. How many public parks or athletic field projects has your Entity/company completed?

5 or more projects = 5 points; 3-4 projects = 4 points; 1-2 projects = 3 points.

4. Will your Entity agree to a guaranteed date of completion (assuming no City or District-initiated change orders and assume regular weather delay)

Yes No

Yes = 10 points; No = 0 points

5. Was your Entity in bankruptcy at any time during the last five years?

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.

No = 3 points; Yes = 0 points

6. Has any State License Board license held by your Entity 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.

No = 5 points; Yes = 0 points

7. At any time in the last five years has your Entity been assessed and paid liquidated damages 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.

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

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

NOTE: "Associated" means a relationship to another construction firm in which an owner, partner or officer of your Entity held a similar position, and which is listed in response to question Part II-A-1c or 1d on this form.

Yes No

If "yes," explain on a separate signed page. State whether the firm involved is the Entity applying for pre-qualification here or another firm. Identify by name of the firm, the name of the person within your Entity who was associated with that firm, the year of the event, the owner of the project, the project and the basis for the action.

No = 5 points Yes = 0 points

9. In the last five years has your Entity 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.

No = 5 points; Yes = 0 points

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

Yes No

If "yes," how many claims?: _____

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 Entity?

Yes No

If “yes,” how many instances?: _____

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 Entity 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.

No = 5 points; Yes = subtract 5 points

13. Has your Entity 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.

No = 5 points Yes = subtract 5 points

14. Has your Entity 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.

No = 5 points; Yes = subtract 5 points

15. If your Entity was required to pay a premium of more than one percent for a performance or payment bond on any project(s) on which your Entity worked at any time during the last three years, state the percentage that your Entity 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 Entity ever been denied bond credit by a surety company, or has there ever been a period of time when your Entity had no surety bond in place during a public construction project when one was required?

Yes No

No = 5 points Yes = 0 points

17. Has CAL OSHA cited and assessed penalties against your Entity 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 the appeal, you need not include information about it.

Yes No

If “yes,” how many instances?: _____

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.

18. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your Entity 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 “yes,” how many instances?: _____

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.

19. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your Entity or the owner of a project on which your Entity was awarded work, 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,” how many instances?: _____

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.

20. 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**

21. List your Entity'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 Entity 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.

**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**

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

Yes No

If "yes," how many instances?: _____

**5 points for either "No" or "Yes" indicating 1 such instance.
0 points for any other answer**

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

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

Yes No

If "yes," how many instances?: _____

**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.**

24. During the last five years, has there been more than one occasion on which your own Entity 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," how many instances?: _____

**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.**

25. If your Entity operates its own State-approved apprenticeship program:

- (a) Identify the craft(s) for which your Entity 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 Entity 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 Entity. _____

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

0 points if no one completed an approved apprenticeship while employed by your Entity.

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

Yes No.

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

If "yes," how many instances?: _____

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.

DECLARATION

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.

By: _____

Title/ Entity: _____

Date: _____

PHASE I DETERMINATION

Entity: _____

In order to be determined as qualified to submit a proposal, an Entity must answer yes to questions 1-4 in Part I "Requirements for Qualification," and must score at least 95 points in the Scorable Questions.

REQUIREMENTS FOR QUALIFICATION

- 1. _____
- 2. _____
- 3. _____
- 4. _____

SCORABLE QUESTIONS

Section I: _____ OF _____ (95 is passing)

DETERMINATION: _____

DATE: _____

BY: _____

NOTES: _____

