SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item #__11.4__

Meeting Date: November 7, 2013

Subject: **Adoption of Bidder Prequalification Process**

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☒ Conference/First Reading (Action Anticipated: November 21, 2013)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Facilities Support Services

Recommendation: Approve Resolution Adopting Bidder Prequalification Process to prequalify contractors on an annual basis, but with flexibility to prequalify contractors on a project-by-project basis for projects requiring special expertise.

Background/Rationale:

Beginning January 1, 2014, Public Contract Code section 20111.6 ("Statute") will require the District to conduct a prequalification process for general contractors, and mechanical, plumbing and electrical subcontractors, prior to those contractors and subcontractors bidding on District projects over $1,000,000 that will utilize State funding. Prequalification requires contractors to meet certain criteria, designed to assess their experience, expertise and overall ability to carry out work with the District, prior to bidding. The Statute permits the District to conduct prequalification on a quarterly, annual or project-by-project basis. The Statute requires the District to adopt procedures, including a standardized proposal form and uniform rating system for evaluating applicants.

Financial Considerations:

The prequalification process will create additional workload for staff. Annual, as opposed to quarterly or project-by-project, prequalification will most effectively utilize District resources.

Prequalification is not anticipated to impact bid prices.

Documents Attached:

1. Executive Summary
2. Resolution Adopting Bidding Prequalification Process
3. Prequalification Application
4. Uniform Rating Sheet

Estimated Time of Presentation: 10 minutes
Submitted by: Cathy Allen, Assistant Superintendent
Approved by: Jonathan P. Raymond, Superintendent

Board of Education Executive Summary

Facilities Support Services

Adoption of Bidder Prequalification Process

November 7, 2013

I. Overview/History of Department or Program

Beginning January 1, 2014, the District will be required to conduct a prequalification process for general contractors, and mechanical, plumbing and electrical subcontractors, prior to those contractors and subcontractors bidding on District projects over $1,000,000 that will utilize State funding. Prequalification requires contractors to meet certain criteria, designed to assess their experience, expertise and overall ability to carry out work with the District, prior to bidding. Under current law, prequalification of contractors is voluntary; for qualifying contracts entered into after January 1, 2014, prequalification will be mandatory, but the District will have flexibility as to whether it will prequalify contractors on a quarterly, annual or project-by-project basis.

The District must adopt procedures, including a standardized proposal form and uniform rating system for evaluating applicants.

II. Driving Governance:

Public Contract Code section 20111.6, subsection (a), states: "(a) This section shall apply only to public projects, as defined in subdivision (c) of Section 22002, for which the governing board of the district uses funds received pursuant to the Leroy F. Greene School Facilities Act . . . or any funds from any future state school bond for a public project that involves a projected expenditure of one million dollars ($1,000,000) or more."

Public Contract Code section 20111.6, subsection (b), states: "If the governing board of the district enters into a contract meeting the criteria of subdivision (a), then the governing board of the district shall require that prospective bidders for a construction contract complete and submit to the board of the district a standardized prequalification questionnaire and financial statement. The questionnaire and financial statement shall be verified under oath by the bidder in the manner in which civil pleadings in civil actions are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection.

Public Contract Code section 20111.6, subsection (c), states: "The board of the district shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements."

Public Contract Code section 20111.6, subsection (d), states: "The questionnaire and financial statement described in subdivision (b), and the uniform system of rating bidders described in subdivision (c), shall cover, at a minimum, the issues covered by the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations pursuant to subdivision (a) of Section 20101."

Public Contract Code section 20111.6, subsection (g), states: "The board of the district may establish a process for prequalifying prospective bidders pursuant to this section on a quarterly or annual basis and a prequalification pursuant to this process shall be valid for one calendar year following the date of initial prequalification."

Public Contract Code section 20111.6, subsection (i), states: "For purposes of this section, bidders shall include the general contractor and, if utilized, all electrical, mechanical, and plumbing subcontractors."

III. Budget:

The prequalification process will create additional workload for staff. Annual, as opposed to quarterly or project-by-project, prequalification will most effectively utilize District resources.

Prequalification is not anticipated to impact bid prices.

IV. Goals, Objectives and Measures:

- Compliance with new law.
- Ensure experienced and qualified contractors will complete work on District projects.

V. Major Initiatives:

Public Contract Code section 20111.6 is effective on January 1, 2014.

VI. Results:

Compliance with new law.

VII. Next Steps:

- Board consideration and approval of Bidder Prequalification Process.
- Implementation of Prequalification Process.
    - Beginning November 2013: Notify contractors regarding prequalification opportunity.
    - January 10, 2014: Prequalification Applications Due.
    - February 1, 2014: Provide Prequalification Notices to Contractors.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

RESOLUTION NO. __

RESOLUTION RE: ADOPTING BIDDER PREQUALIFICATION PROCESS

WHEREAS, Public Contract Code section 20111.5 authorizes public school districts to require bidders for public works contracts to submit to a prequalification process;

WHEREAS, Public Contract Code section 20111.6 requires that bidders for construction contracts awarded after January 1, 2014, on certain public projects for which the Board of Education uses funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond for a public project that involves a projected expenditure of one million dollars ($1,000,000) or more submit to a prequalification process; and

WHEREAS, to comply with Public Contract Code section 20111.6, the Board of Education must adopt procedures, including a standardized proposal form and uniform rating system for evaluating applicant contractors.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Unified School District Board of Education as follows:

1. The foregoing recitals are adopted as true and correct;

2. For all public projects subject to Public Contract Code section 20111.6, no bids will be accepted and no contracts shall be awarded pursuant to Public Contract Code section 20111, to bidders who have not been prequalified; and

3. Bidders shall be prequalified in accordance with the requirements set forth in the Prequalification Process for the Sacramento City Unified School District, adopted by this Resolution, and attached hereto and incorporated herein as Exhibit "A".

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this ___ day of _____, 2013, by the following vote:

AYES: ____
NOES: ____
ABSTAIN: ____
ABSENT: ____

_____
Jeff Cuneo
President of the Board of Education

ATTESTED TO:

_____
Jonathan P. Raymond
Secretary of the Board of Education

Sacramento City Unified School District

Prequalification Application

PREQUALIFICATION PROCEDURES

Notice is hereby given by Sacramento City Unified School District ("District") that general contractors and mechanical, electrical and plumbing subcontractors planning to participate in bidding on District projects (each a "Project") in the twelve months following prequalification will be required to prequalify prior to bidding, and must adhere to the following procedures, submit the following documentation and information, and be found by the District to prequalify, as a condition of bidding. Prequalification application packages are available on the District's website at **[INSERT WEBSITE LINK HERE]** or at the District's main office.

No bid will be accepted from a contractor that has failed to comply with these requirements. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

The prequalification packet includes, in part, a questionnaire and financial statement, to be verified under oath. The District will use the information and documentation required herein, as the basis for rating contractors in respect to the size and scope of contracts upon which each contractor is qualified to bid. The District reserves the right to check other sources available. The District's decision will be based on its uniform rating system, including in part, objective evaluation criteria and references.

Contractors are encouraged to submit prequalification packages as soon as possible, so that they may be notified of prequalification status well in advance of the bid process. Note that neither the fact of prequalification, nor any prequalification rating, will preclude the District from a post-bid consideration of the responsiveness of the lowest apparent bid on any Project or the lowest apparent bidder's responsibility to perform the Project.

The prequalification packages should be sealed, marked "CONFIDENTIAL PREQUALIFICATION," and mailed to the following:

Sacramento City Unified School District
Contracts Office
Attention: Kim Teague
5735 47th Avenue
Sacramento, CA 95824

The questionnaire answers and financial statements included in the prequalification packages submitted by contractors are not public records and are not open to public inspection. All such information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of any subsequent proceedings. State law requires that the names of contractors applying for prequalification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the

contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury.

A contractor who has timely submitted a completed application form, and who receives a rating of "not qualified" from the District, may appeal that determination. There is no appeal from a finding that a contractor is not prequalified because of a late application or a failure to submit required information. A contractor may appeal the District's decision with respect to its request for prequalification, by giving notice to the District no later than five (5) business days after receipt of notice of its qualification status. Notice shall be sent to the address listed above. Unless a contractor files a timely appeal, the contractor waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. The District reserves the right to resolve appeals before or after bid opening or award of any contract. The date for submission and opening of bids for a specific project and any subsequent contract award will not be delayed or postponed to allow for completion of an appeal process.

The District reserves the right to waive minor irregularities and omissions in the information contained in the prequalification application submitted and to make all final determinations.

A contractor may be found not prequalified for bidding on a contract for a specific Project, or on all Project contracts to be let by the District during the year specified above. In addition, a contractor may be found not prequalified for either an omission of requested information, falsification of information, or a failure to use the forms provided by the District. The District shall post and continually update on its website a list of all general contractors, mechanical, electrical and plumbing subcontractors that are prequalified for District Projects.

General contractors must use prequalified Mechanical, Electrical and Plumbing Subcontractors in order for their bid to be "responsive", whenever that is specified in the bid documents.

The contractor's qualified limit will be the lesser of the following (stated in U.S. currency): (a) the largest public works contract the contractor has fully performed within the last five years (as defined by the original contract price, plus additive and deductive change orders), plus 10%; or (b) the contractor's current bonding capacity (as determined by the surety with which the contractor currently has the highest bonding limit).

The District reserves the right to amend the prequalification packet at anytime. Additionally, a determination by the District that a contractor is prequalified, does not amount to a final determination that such contractor is responsible or responsive for purposes of bid evaluation. The District may, in accordance with applicable law reject a prequalified contractor's bid, and the District may additionally reject all bids if it determines such action is in the best interest of the public.

GENERAL INFORMATION

A. The bidder shall complete the enclosed Prequalification Application materials. If an explanation and/or additional sheets are required for any of the responses, please attach additional pages signed by the preparer and identify clearly to which questions the attached page refers.

B. "You" or "Your" as used herein refers to the bidder's firm and any of its officers, directors, shareholders, parties, or principals.

C. Any statement which is proven to be false shall be grounds for immediate disqualification.

D. The District reserves the right to determine disqualification on the basis of information secured from any source(s).

E. Failure to complete all questions and provide all information requested within this prequalification questionnaire shall be a basis for disqualification.

F. Please be advised that all references are subject to verification.

G. A bidder's failure to provide legible, unambiguous, and sufficiently detailed answers or explanations to any questions or requests of information required herein may result in the rejection of the Bidder's prequalification application.

H. **Submission of Prequalification Application**:

1. Prequalification Packet Due Date: January 10, 2014

2. The District will provide a list of all prequalified contractors on its website at least five (5) business days prior to any bid opening.

PREQUALIFICATION APPLICATION

(This page is subject to disclosure pursuant to the California Public Records Act)

CONTACT INFORMATION:

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

Contact Person: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s): _____, _____, _____

Contractors that successfully prequalify will be eligible to bid on any projects for which they are qualified as outlined below:

1. **Bid Limit:**

   The contractor's qualified limit will be the lesser of the following (stated in U.S. currency): (a) the largest public works contract the contractor has fully performed within the last five years (as defined by the original contract price, plus additive and deductive change orders), plus 10%; or (b) the contractor's current bonding capacity (as determined by the surety with which the contractor currently has the highest bonding limit). Your accurate answers to A and B immediately below, once verified by the District, will determine your bid limit.

   A. The contract price (as adjusted by change orders) of the largest public works contract your firm has fully performed in the last five years:

   $_____ [plus] 10% = _____.

   B. Your firm's current maximum bonding capacity: $_____. Name of Bonding Company: _____

2. **Specific Experience Requirement:**

   At least two (2) of the projects listed in Part IV of this application must be K-12 projects subject to Division of the State Architect inspection and approval. This does not preclude the District from specifying in the bid documents additional prequalification requirements as may be required for a specific project.

Prequalification Questionnaire

PART I. GENERAL REQUIREMENTS FOR QUALIFICATION

A. Licensing, Insurance and Financial Information.

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:

   General Contractor: $3,000,000 per occurrence and $5,000,000 aggregate.

   Mechanical, Electrical or Plumbing Subcontractors: $1,000,000 per occurrence and $2,000,000 aggregate.

   ☐ Yes ☐ No

3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700, *et. seq*.
   ☐ Yes ☐ No ☐ contractor is exempt from this requirement, because it has no employees

4. Have you attached your latest copy of a financial statement that has been reviewed or audited by a certified public accountant with accompanying notes and supplemental information?
   ☐ 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 whether your current available bonding capacity is sufficient for the project for which you seek prequalification and provides a your total bonding capacity limits?[1]
   ☐ Yes ☐ No
   NOTE: Notarized statement must be from the surety company, not an agent or broker.

[1] An additional notarized statement from the surety may be requested by District at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid.

B. Other Information

1. Has any contractor's license held by your firm, or its responsible managing employee ("RME") or responsible managing officer ("RMO") been suspended or revoked at any time in the last five years?
☐ Yes ☐ No

2. 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

3. 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.

4. 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.

5. 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

6. At the time of submitting this prequalification 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.

PART II. ORGANIZATION & HISTORY

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

Date incorporated: _____
Under the laws of what state: _____

For Firms That Are Partnerships:

Date of formation: _____
Under the laws of what state: _____

For Firms That Are Sole Proprietorships:

Date of commencement of business: _____
Social security number of company owner: _____

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:

Date of commencement of joint venture: _____

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

1. Has there been any change in ownership of the firm at any time during the last three years?
☐ Yes ☐ No

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

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
☐ Yes ☐ No

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

NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner or officer of your firm holds a similar position in another firm.

3. Are any corporate officers, partners or owners connected to any other construction firms.
☐ Yes ☐ No

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

NOTE: Include information about other firms if an owner, partner or officer of your firm holds a similar position in another firm.

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

_____ _____ _____

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

C. Licenses

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

_____

2. 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.

_____

3. 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.

4. 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.

D. Bonding

1. Bonding capacity: Provide documentation from your surety identifying the following:
Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

_____

2. 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:

_____

_____

_____

PART III. ORGANIZATIONAL PERFORMANCE AND COMPLIANCE WITH LAWS

A. Financial History & Licensing

1. 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.

2. 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.

3. 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.

B. Disputes

1. 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.

2. 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?
☐ Yes ☐ No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification 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.

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

3. 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.

* * * * *

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.

4. 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).

5. 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).

* * * * *

6. Has your firm had a contract for a public work of improvement in the last five years that was terminated for cause by a public entity, or terminated in whole or in part with your consent? **Note: you need not answer "yes" if the public entity terminated the contract for convenience.**
☐ **Yes** ☐ **No**

If the answer is "Yes," for each such contract attach a separate sheet identifying the owner, your bonding company, the original contract value, the value of the work terminated and a brief explanation of the circumstances leading to the termination.

7. Has your firm ever entered into a settlement agreement, or otherwise agreed with a public entity that your firm would not bid on future projects advertised by the public entity for a specified period of time**?**

☐ **Yes** ☐ **No**

If the answer is "Yes," for each such agreement attach a separate sheet identifying the public entity and the period of time during which your firm agreed not to bid.

8. 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.

9. 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.

10. In the last three years has your firm held a public works contract on which more than three (3) stop payment notices were served against your firm.

☐ Yes ☐ No

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

11. In the last 3 years have you had any Stop Payment Notice result in a claim against your Payment Bond?

☐ Yes ☐ No

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

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

C. Bonding

1. 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.

2. 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.

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

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?
☐ 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.

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.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
☐ Yes ☐ No

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

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.

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?
☐ Yes ☐ No

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

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.

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

_____

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.

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

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.)

E. Prevailing Wage and Apprenticeship Compliance Record

1. 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.

2. 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.

3. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (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 the District.

_____

_____

4. 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. 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?

☐ Yes ☐ No

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

PART IV. RECENT CONSTRUCTION PROJECTS COMPLETED

Provide the information requested below for the six largest public works projects and three largest private works of improvement on which you have completed your scope of work in the last five years. "Largest" means highest contract dollar value, including change orders. (If you wish, you may, using the same format, also provide relevant information about other projects that you have completed.) Two of the six public works projects must be K-12 projects. Names and references must be current and verifiable. Provide email addresses for all references. If your largest public works projects are not K-12 projects, please also provide information regarding up to six K-12 projects completed within the last five years.

For general contractor applicants: Only list projects your firm performed as the general contractor in charge of all trades for the construction of a building.

For subcontractor applicants: Only list projects your firm performed as the prime contractor if a single trade job or as a subcontractor on a multiple trade contract. For multiple trade contracts, indicate the general contractor's name and contact information.

Project Name: _____

Location: _____

Owner and Contact Name and Information: _____

Architect or Engineer Contact Name and Information: _____

Construction Manager and Contact Name and Information: _____

Description of Project, Scope of Work Performed: _____

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (# of Days): _____

Actual Date of Completion: _____

* * * * * * *

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

Dated: _____

_____
Company

_____
(Name)

Corporate Seal

_____
(Signature)

PART V. EVALUATION CRITERIA

The following criteria will be used to evaluate the applications:

1) similar projects that have been completed by the contractor within the last five years;
2) prior defaults by the contractor and/or prior bankruptcy filings;
3) the type of license the contractor holds;
4) disqualification on prior jobs;
5) assessment of liquidated damages on earlier projects;
6) claims against bonds
7) prior terminations;
8) bondability;
9) insurability;
10) workers compensation experience;
11) violation of regulations and rules; and
12) financial strength.

Sacramento City Unified School District
Prequalification Scoring Sheet

Firm Name: _____

Contact Person: _____

Address: _____

Phone: _____ Fax: _____ Email:_____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s): _____, _____, _____

The contractor's qualified limit will be the lesser of the following (stated in U.S. currency): (a) the largest public works contract the contractor has fully performed within the last five years (as defined by the original contract price, plus additive and deductive change orders), plus 10%; or (b) the contractor's current bonding capacity (as determined by the surety with which the contractor currently has the highest bonding limit).

A. The contract price (as adjusted by change orders) of the largest public works contract firm has fully performed in the last five years:

$_____ [plus] 10% = _____.

B. Firm's current maximum bonding capacity: $_____. Name of Bonding Company: _____

PART I GENERAL REQUIREMENTS

A. Licensing, Insurance & Financial Information

		Yes	No	Docs Attached	Verified
1	Valid and Current Contractor's License				
2	Liability Insurance with Appropriate Limits General Contractor: $3,000,000 & $5,000,000 MEP Subcontractor: $1,000,000 & $2,000,000				
3	Current Worker's Comp Insurance or Exemption				
4	Reviewed or Audited Financial Statement Attached			*	
5	Notarized Surety Statement Attached			*	

If contractor answered "yes" to above questions, and all documents are attached, information verified, for questions noted with *, move on to Section I.B.

B. Other Information

		Yes	No
1	Contractor's License Suspension within last 5 Years		
2	Convicted of a crime involving award of contract		
3	Convicted of a crime involving construction laws		
4	Convicted of a crime involving fraud, dishonesty, etc.		
5	Surety completed a project due to contractor default		
6	Contractor ineligible to bid due to Labor Code violations		

If contractor answered "no" to foregoing questions, move on to Section II.

PART II ORGANIZATION & HISTORY

A. Current Organization and Structure of the Business

The firm is a:
- □ Corporation
- □ Partnership
- □ Sole Proprietorship
- □ Joint Venture

The firm □ *included* □ *did not* include all information necessary to complete this section.

B. History of the Business and Organizational Performance

Check "Responses Included" box if information is included in application. If, based on the contractor's answers, follow up is necessary, indicate so by checking the "follow up" box.

		Responses Included	Follow Up
1	Change in ownership		
2	Subsidiary, parent, holding company, etc.		
3	Corporate officers/relationship to other firms		
4	Gross revenue		
5	Years in business		

C. Licenses

Check "Responses Included" box if information is included in application. Items to be verified are identified with an asterisk.

		Responses Included	Verified
1	List all license numbers		
2	List qualifying individuals if partnership		
3	Change of name/license in last 5 years		
4	Owner operated under another name		

D. Bonding

Check "Responses Included" box if information is included in application.

		Responses Included
1	Bonding capacity	
2	Other sureties	

If all information has been provided and no "red flags" with respect to cross referenced information provided in Part I, move on to scoring Part III.

PART III ORGANIZATIONAL PERFORMANCE AND COMPLIANCE WITH LAWS

A. Financial History & Licensing

		Possible Scores	Score
1	Current bankruptcy	No = 5 Yes = -5	
2	Bankruptcy last 5 years	No = 5 Yes = 0	
3	Suspended license last 5 years	No = 5 Yes = -5 (adjustment to 0 if reason for suspension is not material)	

(Possible Score 15)

III.A Total Score _____

B. Disputes

		Possible Scores	Score
1	LD's in last 5 years	No = 5 1 or 2 times = 3 > 2 times = 0	
2	Disbarred/Disqualified from bidding on public project	No = 5 Yes = 0	
3	Denied bid on grounds of non-responsibility	No = 5 Yes = 0	
4	Claim against firm in court or arbitration	No =5 1-2 instances = 3 > 2 instances = 0 (adjustment upward if contractor prevailed on claim outside settlement)	
5	Made claim against owner in court or arbitration	No = 5 1 instance = 3 >1 instance = 0 (adjustment upward if contractor prevailed on claim outside settlement)	
6	Project terminated for cause or by contractor consent within last 5 years	No = 5 Yes, by consent = 0 Yes, for cause without consent = -5	
7	Entered into a settlement agreement not to bid in the future	No = 5 Yes = -5	
8	Surety payments on contractor's behalf	No = 5 1 instance = 3 >1 instance = 0	

9	Insurance refusal to renew within last 5 years	No = 5 Yes = -5	
10	Project with more than 3 stop payment notices in last 3 years	No = 5 Yes = 0	
11	Stop notice resulted in claim	No = 5 1 instance = 3 >1 instance = 0	
12	Liable in a civil suit for false claims	No = 5 Yes = -5	

(Possible Score 60)

III.B Total Score _____

C. Bonding

		Possible Scores	Score
1	Required to pay a premium	No = 5 1=1.25% premium = 4 1.25-1.5% premium = 3 > 1.5% = 0	
2	Denied coverage by surety	No = 5 Yes = 0	

(Possible Score 10)

III.C Total Score _____

D. Financial History & Licensing

		Possible Scores	Score
1	CAL OSHA violations last 5 years	No = 5 1 instance = 4 2 instances = 3 3+ instances = 0	
2	Federal OSHA citations last 5 years	No = 5 1 instance = 4 2 instances = 3 3+ instances = 0	
3	EPA, Air Quality or RWQCB citations last 5 years	No = 5 1 instance = 4 2 instances = 3 3+ instances = 0	
4	Safety meetings	Weekly = 5 Monthly = 3 Quarterly = 1	

		None = 0	
5	Experience Modification Rate	EMR .95 or less = 5 .95 – 1 = 3 Other = 0	
6	Workers' comp lapse in last five years	No = 5 Yes =0	

(Possible Score 30)

III.D Total Score _____

E. Prevailing Wage and Apprenticeship Compliance Record

		Possible Scores	Score
1	Required to pay back wages under State prevailing wage law	No = 5 1 instance = 4 2 instances = 3 3+ instances = 0	
2	Required to pay back wages under Federal prevailing wage law	No = 5 1 instance = 4 2 instances = 3 3+ instances = 0	
3	Participation in apprenticeship program	Information provided/yes = 5 No = 0	
4	Operates apprenticeship program	Yes = 5 No = 5	
5	Apprentice violations	None = 5 1 instance = 4 2 instances = 3 3+ instances = 0	

(Possible Score 25)

III.E Total Score _____

III.A Total Score _____
III.B Total Score _____
III.C Total Score _____
III.D Total Score _____
III.E Total Score _____

Grand Total _____

If Grand Total 105 or greater, move on to Part IV.

PART IV – RECENT CONSTRUCTION PROJECTS COMPLETED

Verify projects are awarded and completed. Based on information provided by contractor, list six projects below. Begin with information provided regarding K-12 projects, then other public works projects, then private projects.

Award 15 points for each K-12 project, 10 points for each other public project, 5 points for each private project.

	Project	K-12	Other Public	Private
1				
2				
3				
4				
5				
6				

IV Total Score _____

If Part IV Total Score is 65 or greater, move on to reference checks.