

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**

**CONTRACTOR PREQUALIFICATION PACKAGE**

**FOR**

**PREQUALIFICATION OF PROSPECTIVE BIDDERS  
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

Location for Delivery of Prequalification Submittals

Chula Vista Elementary School District

Attention: Prequalification Submittal

84 East J Street

Chula Vista, CA 91910

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FOR  
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**PREQUALIFICATION OF PROSPECTIVE BIDDERS  
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

**PART 1: OVERVIEW OF PUBLIC CONTRACT CODE SECTION 20111.6 REQUIREMENTS**

California Public Contract Code Section 20111.6 (“Section 20111.6”) requires that a school district with an average daily attendance of 2,500 or more prequalify certain “prospective bidders” for certain of that school district’s public projects. Section 20111.6, as originally enacted in 2012, applied only to public projects that: (i) were projected to cost \$1 million or more; and (ii) were funded, in whole or in part, using funds provided through either the Leroy F. Greene School Facilities Act of 1998 (“SFP Funds”) or any future bonds issued by the State of California.

Assembly Bill 1581, approved in 2014, amended Section 20111.6 and Education Code Section 17406 (“Section 17406”) with respect to contracts entered into on and after January 1, 2015. Subdivision (c) of Section 20111.6 now provides that *“The board of the district shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements. This system shall also apply to a person, firm, or corporation that constructs a building described in Section 17406 ... of the Education Code.”* Section 17406 authorizes use by school districts of the “lease-leaseback” construction delivery method.

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

As provided in Section 20111.6, bidders that must be prequalified include: (i) all prime contractors (i.e., those submitting bids directly to a school district) that have either a general engineering contractor license (i.e., an “A” license) or a general building contractor license (i.e., a “B” license); and (ii) all prime contractors and subcontractors (notwithstanding that subcontractors will not submit bids directly to a school district) that have a specialty license in any of the following mechanical, electrical and plumbing (“MEP”) specialty categories:

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

The Board of Education of the Chula Vista Elementary School District (“District Board”) has adopted this Contractor Prequalification Package for purposes of the Chula Vista Elementary School District (“District”) implementing prequalification requirements for its public projects as are subject to Section 20111.6 (each a “District Project”). The District Board has authorized the District, in its discretion, to also use the prequalification process set forth herein for prequalification pursuant to Public Contract

Code Section 20111.5 ("Section 20111.5"). In such event: (i) references herein to Section 20111.6 shall, as applicable and/or necessary, be interpreted as references to Section 20111.5; and (ii) the District may provide (by addendum or otherwise) for the prequalification requirements herein to apply to contractors in addition to those specified in Section 20111.6. The District Board also has authorized the District to use the prequalification process set forth herein for District Projects undertaken using the lease-leaseback construction delivery method. In such event: (i) the provisions of this Contractor Prequalification Package shall as applicable and/or necessary be interpreted in a manner consistent with the lease-leaseback construction delivery method; and (ii) the District may provide (by addendum or otherwise) for the prequalification requirements herein to apply to contractors in addition to those specified in Section 20111.6.

## **PART 2: APPLICABILITY OF SECTION 20111.6 REQUIREMENTS**

**IF A CONTRACTOR IS SUBJECT TO PREQUALIFICATION PURSUANT TO SECTION 20111.6 (INCLUDING, WITHOUT LIMITATION, ANY SUBCONTRACTOR WITH AN APPLICABLE MEP CONTRACTOR'S LICENSE) AND SUCH CONTRACTOR HAS NOT BEEN PREQUALIFIED IN ACCORDANCE WITH THE REQUIREMENTS HEREIN, THE DISTRICT WILL NOT: (i) ACCEPT A BID FROM THAT CONTRACTOR; (ii) ENTER INTO ANY CONTRACT WITH THAT CONTRACTOR FOR A DISTRICT PROJECT; OR (iii) OTHERWISE PERMIT THAT CONTRACTOR TO PERFORM ANY WORK ON A DISTRICT PROJECT.**

**IF A PRIME BIDDER FOR ANY WORK ON A DISTRICT PROJECT LISTS IN ITS BID A MEP SUBCONTRACTOR THAT IS SUBJECT TO PREQUALIFICATION PURSUANT TO SECTION 20111.6, AND SUCH MEP SUBCONTRACTOR HAS NOT BEEN PREQUALIFIED IN ACCORDANCE WITH THE REQUIREMENTS HEREIN, THE DISTRICT, IF IT AWARDS A CONTRACT TO THE PRIME BIDDER, WILL REQUIRE SUBSTITUTION OF THAT MEP SUBCONTRACTOR AT NO ADDITIONAL COST TO THE DISTRICT. EACH SUBSTITUTE MEP SUBCONTRACTOR MUST BE PREQUALIFIED PURSUANT TO THE REQUIREMENTS HEREIN AND MUST HAVE AN ADEQUATE MAXIMUM AUTHORIZED CONTRACT AMOUNT (SEE PART 11 HEREIN).**

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

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

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

## **PART 3: SEPARATE PREQUALIFICATION FOR PRIME CONTRACTORS AND MEP SUBCONTRACTORS**

If a MEP contractor desires to be prequalified as both a prime contractor and a subcontractor, the contractor must submit separate Prequalification Submittals (i.e. one for prime contractor and one for subcontractor) as the District will review each of those Prequalification Submittals independently.

Question 1 of Section XIII of the Questionnaire applies to any contractor seeking to be prequalified as a prime contractor, and Question 2 of Section XIII applies to any contractor seeking to be prequalified as a MEP subcontractor. Therefore, either Question 1 or Question 2 of Section XIII of the Questionnaire will be scored, not both, and each contractor must answer only Question 1 or Question 2, not both.

#### **PART 4: REQUIREMENTS FOR PREQUALIFICATION SUBMITTAL**

Each contractor that desires to prequalify must submit to the District a Prequalification Submittal that includes: (i) the prequalification questionnaire attached as Attachment "CQ" hereto ("Questionnaire"), fully completed and executed by a duly-authorized officer or other representative of the contractor; and (ii) all supporting documentation as specified in the Questionnaire.

A Prequalification Submittal must include the Questionnaire included in this package, without modification. If a contractor submits a modified or alternate form of questionnaire, the District will reject that contractor's Prequalification Submittal.

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

Prequalification Submittals, including all supporting information, must be on 8 ½ by 11 inch paper, and a contractor must submit to the District one original paper copy and one electronic copy (on USB flash drive).

The Prequalification Submittal (including electronic copy) must be in a sealed envelope, with the following clearly and legibly marked on the outside of the envelope: (i) the words "Attention: Prequalification Submittal"; (ii) the contractor's name; and (iii) the contractor's address.

**PREQUALIFICATION SUBMITTALS MUST BE (i) DELIVERED TO THE DISTRICT AT THE LOCATION FOR DELIVERY OF PREQUALIFICATION SUBMITTALS SPECIFIED ON THE COVER PAGE OF THIS CONTRACTOR PREQUALIFICATION PACKAGE ("LOCATION FOR DELIVERY OF PREQUALIFICATION SUBMITTALS"); AND (ii) SUBJECT TO ANY APPLICABLE EXTENSIONS OF TIME IN ACCORDANCE WITH PART 6 HEREIN, RECEIVED BY THE DISTRICT PRIOR TO THE PREQUALIFICATION SUBMITTAL DEADLINE SET FORTH ON THE COVER PAGE OF THIS CONTRACTOR PREQUALIFICATION PACKAGE ("PREQUALIFICATION SUBMITTAL DEADLINE").**

Each Prequalification Submittal received by the District shall, upon receipt, become the District's property, and the District shall have no obligation whatsoever to return a contractor's Prequalification Submittal or any copies thereof. Subject to maintaining the confidentiality of the information set forth in a contractor's Prequalification Submittal (other than the information set forth in Section I of the Questionnaire), the District, without notice to or recourse by the contractor, may destroy or otherwise dispose of the Prequalification Submittal as the District deems appropriate.

## **PART 5: MODIFICATION OF PREQUALIFICATION SUBMITTAL**

At any time prior to the Prequalification Submittal Deadline, a contractor may modify a Prequalification Submittal that it has already submitted to the District by concurrently: (i) giving written notice that it is thereby superseding the Prequalification Submittal that it previously submitted; and (ii) submitting to the District the modified, fully complete Prequalification Submittal. Such written notice and the modified Prequalification Submittal: (i) must be delivered to the Location for Delivery of Prequalification Submittals; and (ii) must be received by the District prior to the Prequalification Submittal Deadline.

Upon timely receipt of such notice and modified Prequalification Submittal from a contractor, the District will supersede the contractor's prior Prequalification Submittal with the contractor's modified Prequalification Submittal. A modified Prequalification Submittal must satisfy all requirements of this Contractor Prequalification Package, including, without limitation, those set forth in Part 4 herein.

The District will reject any modified Prequalification Submittal that is not received by the District prior to the Prequalification Submittal Deadline and/or that does not satisfy all requirements of this Contractor Prequalification Package. In the event the District rejects a contractor's modified Prequalification Submittal, the District will review and process the Prequalification Submittal originally submitted by the contractor, if that Prequalification Submittal satisfies all requirements of this Contractor Prequalification Package; provided, however, that such contractor may withdraw its original Prequalification Submittal as provided in Part 6 herein.

## **PART 6: WITHDRAWAL OF PREQUALIFICATION SUBMITTAL**

A contractor, at any time, may withdraw a Prequalification Submittal that it has submitted to the District, by giving written notice of withdrawal. Such notice must be delivered to the District representative identified in Part 16 herein. Upon receipt of a contractor's withdrawal notice, whichever of the following is applicable shall govern the District's response and disposition of the contractor's Prequalification Submittal:

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

A contractor that submits a written notice to thereby withdraw its Prequalification Submittal shall have no rights whatsoever to appeal any decision or lack of decision by the District in regard to the contractor's prequalification status, pursuant to Part 13 herein or otherwise.

## **PART 7: ADDENDA TO CONTRACTOR PREQUALIFICATION PACKAGE**

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

Each contractor shall be responsible for checking the District's website to determine if the District has issued any one or more addenda to this Contractor Prequalification Package. The requirements of each addendum shall be applicable regardless of whether any contractor(s) failed to obtain and/or consider such addendum. If a contractor has any question as to how to obtain such information from the District's website, the contractor may contact the District as provided in Part 16 herein.

If the District issues an addendum to this Contractor Prequalification Package less than seventy-two hours prior to the Prequalification Submittal Deadline, the addendum may specify an extension of time for submission of Prequalification Submittals.

#### **PART 8: TIMELINESS OF PREQUALIFICATION SUBMITTAL**

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

#### **PART 9: RESPONSIVENESS OF PREQUALIFICATION SUBMITTAL**

The District shall reject each Prequalification Submittal that it receives after the Prequalification Submittal Deadline as being non-responsive to the requirements of this Contractor Prequalification Package. The District will not substantively review any Prequalification Submittals that it receives after the Prequalification Submittal Deadline. Notwithstanding the foregoing, the District, in its sole discretion, may at any time extend the Prequalification Submittal Deadline due to circumstances that are beyond the control of the contractors and/or the District.

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

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

If the District determines that a contractor’s Prequalification Submittal is non-responsive, the District will provide notice to the contractor specifying in reasonable detail the basis or bases for such determination (“Notice of Non-Responsiveness”). The District will send such Notice of Non-Responsiveness: (i) electronically to the e-mail address specified by the contractor in Section II of its Questionnaire; and (ii) by U.S. Mail to the street address specified by the contractor in Section II of its Questionnaire.

**PART 10: DETERMINATION OF CONTRACTOR PREQUALIFICATION STATUS**

With respect to each Prequalification Submittal that the District determines is responsive to the requirements of this Contractor Prequalification Package, the District will apply specific criteria to the information specified by the contractor in its Questionnaire, in order to determine if the contractor will be rated as “prequalified.” Such criteria are described in the Questionnaire.

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

With respect to each Section (or group of Sections) of the Questionnaire that are to be numerically scored, any contractor that does not score the required minimum number of points for such Section (or group of Sections) shall be disqualified (i.e., not prequalified), regardless of whether the contractor satisfied any or all other criteria for prequalification.

The minimum number of points for each numerically-scored Section (or group of Sections) of the Questionnaire are set forth in the following table.

Questionnaire Section(s)	Total Possible Points	Min. Required Points
V and VI, combined	40	20
VII and VIII, combined	60	50
IX	32	24
X	15	8
XI and XII, combined	53	35
XIII	30	21

**PART 11: DETERMINATION OF MAXIMUM AUTHORIZED CONTRACT AMOUNT**

With respect to each contractor that the District, as described in Part 10 herein, determines is prequalified, the District will also determine the maximum amount of any contract that such contractor may enter into in connection with any District Projects (“Maximum Authorized Contract Amount”). A contractor’s Maximum Authorized Contract Amount will be based on the contractor’s responses to Questions 3 and 4 of Section XIII of the Questionnaire. The District will determine the average of the **FIVE LARGEST** of the contract amounts specified in response to Question 3 and the average of the **FIVE LARGEST** of the contract amounts specified in response to Question 4. A contractor’s Maximum Authorized Contract Amount shall be calculated by adding to the greater of such two averages the

additive amount specified in the table below that is applicable to such average amount. Note, however, that: (i) a contractor that has an average contract amount equal to or greater than \$65,000,000 may enter into a contract for work on a District Project in any amount; and (ii) in no circumstances will a contractor's Maximum Authorized Contract Amount exceed the per-project or aggregate bonding capacity specified in the notarized statement issued by contractor's surety insurer pursuant to Section X of the Questionnaire.

Average Contract Amount ("ACA")	Maximum Authorized Contract Amount
< \$3,000,000	ACA + \$1,000,000
≥ \$3,000,000 but < \$5,000,000	ACA + \$2,000,000
≥ \$5,000,000 but < \$7,500,000	ACA + \$3,000,000
≥ \$7,500,000 but < \$12,000,000	ACA + \$4,000,000
≥ \$12,000,000 but < \$18,000,000	ACA + \$5,000,000
≥ \$18,000,000 but < \$25,000,000	ACA + \$7,000,000
≥ \$25,000,000 but < \$40,000,000	ACA + \$10,000,000
≥ \$40,000,000 but < \$65,000,000	ACA + \$15,000,000
≥ \$65,000,000	Unlimited

**IF A CONTRACTOR SUBMITS A BID DIRECTLY TO THE DISTRICT FOR WORK ON A DISTRICT PROJECT, AND THE AMOUNT OF THE BID EXCEEDS THE CONTRACTOR'S MAXIMUM AUTHORIZED CONTRACT AMOUNT, THEN THE DISTRICT WILL REJECT THAT BID.**

**IF A MEP CONTRACTOR SUBMITS A SUB-BID TO A PRIME BIDDER FOR WORK ON A DISTRICT PROJECT, AND THE AMOUNT OF THE SUB-BID EXCEEDS THE MEP CONTRACTOR'S MAXIMUM AUTHORIZED CONTRACT AMOUNT, THEN THE DISTRICT, IF IT AWARDS A CONTRACT TO SUCH PRIME BIDDER, WILL REQUIRE SUBSTITUTION OF THAT MEP CONTRACTOR AT NO ADDITIONAL COST TO THE DISTRICT.**

Each prime bidder shall be responsible for ensuring that the amount of any sub-bid from any such MEP subcontractor does not exceed that MEP subcontractor's Maximum Authorized Contract Amount. If the amount of a sub-bid of any such MEP subcontractor exceeds that MEP subcontractor's Maximum Authorized Contract Amount, and the District awards a contract to the prime bidder that listed such MEP subcontractor, then the prime bidder must, in accordance with applicable Public Contract Code procedures, substitute one or more other prequalified MEP subcontractors (for distinct portions of the work) in place of the listed MEP subcontractor. In such event, if the prime bidder desires to substitute two or more MEP subcontractors in place of the listed MEP subcontractor, the initially-listed MEP subcontractor may be one of the substitute MEP subcontractors, if the amount of the new subcontract will not exceed the initially-listed MEP subcontractor's Maximum Authorized Contract Amount.

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

## **PART 12: NOTICE OF PREQUALIFICATION DETERMINATION**

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

The District will send a Notice of Prequalification Determination to a contractor: (i) electronically to the e-mail address specified by the contractor in Section II of its Questionnaire; and (ii) by U.S. Mail to the street address specified by the contractor in Section II of its Questionnaire.

A Notice of Prequalification Determination to a contractor will serve as notice to the contractor regarding whether it is prequalified to submit bids for or otherwise work on any District Projects. If a contractor is so prequalified, the Notice of Prequalification Determination will also specify the Maximum Authorized Contract Amount for which the contractor has been prequalified. A Contractor's prequalification status shall be valid for one year from the date of the Notice of Prequalification Determination.

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

## **PART 13: CONTRACTOR APPEALS**

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

Withdrawn Submittals: A contractor that submits a written notice, as provided in Part 6 herein, to thereby withdraw its Prequalification Submittal shall be deemed and construed to have waived any and all rights to challenge any determination (or lack of determination) by the District in regard to the contractor's Prequalification Submittal or its prequalification status, including, but not limited to, any administrative, judicial or other rights, and such contractor shall have no rights whatsoever to file any appeal with the District in regard to such matters.

Timely but Non-Responsive Submittals: If a contractor timely submitted a Prequalification Submittal to the District, but the District rejected the Prequalification Submittal as non-responsive to the requirements of this Contractor Prequalification Package, the contractor may appeal such rejection to the District. A contractor's appeal shall be deemed to have merit only if the contractor can demonstrate that, as submitted, the Questionnaire was fully complete, the Prequalification Submittal included all supporting information that the Questionnaire required be included, and the Prequalification Submittal otherwise complied with all requirements herein. If, upon administrative review of a contractor's appeal, the District determines that the contractor's Prequalification Submittal was responsive, the District shall review the Prequalification Submittal to determine whether or not the contractor should have been prequalified and, thereafter, the District will issue a Notice of Prequalification Determination to the contractor as provided in Part 12 herein.

Disqualification: If a contractor timely submitted a responsive Prequalification Submittal to the District, but, as specified in the Notice of Prequalification Determination, the contractor was disqualified (i.e.,

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

**Maximum Authorized Contract Amount:** A contractor that has been prequalified by the District may appeal the District's determination as to the Maximum Authorized Contract Amount assigned to the contractor, as specified in the Notice of Prequalification Determination sent by the District to such contractor. A contractor's appeal shall be deemed to have merit only if the contractor can demonstrate that the District did not correctly calculate the Maximum Authorized Contract Amount in accordance with Part 11 herein, based solely on the contractor's Prequalification Submittal as submitted. If, upon administrative review of a contractor's appeal, the District determines that the contractor should have been assigned a different Maximum Authorized Contract Amount, the District will issue a revised Notice of Prequalification Determination to the contractor.

**Deadline for Filing Appeals:** A contractor that is authorized by this Part 13 to file an appeal must file its appeal with the District **not later than 2:00 p.m. on the fourth calendar day** following the date the District sends to the contractor via e-mail either the Notice of Non-Responsiveness or the Notice of Prequalification Determination, whichever is applicable ("Appeals Deadline"). For example, if the District sends a notice to a contractor via e-mail on a Monday, the Appeals Deadline will be 2:00 p.m. on the following Friday. If a contractor fails to file an appeal prior to the applicable Appeals Deadline, the contractor shall be deemed and construed to have waived any and all rights to challenge any determination by the District in regard to the contractor's Prequalification Submittal or its prequalification status, including, but not limited to, any administrative, judicial or other rights.

**Method of Filing Appeal:** Appeals may be filed with the District only by a contractor that timely submitted a Prequalification Submittal to the District and that is otherwise authorized to file an appeal by this Part 13. A contractor's appeal must: (i) be in writing on 8½ x 11 inch paper; (ii) specify in reasonable detail all bases for the appeal (e.g., errors by the District); (iii) specify in reasonable detail all facts asserted by the contractor in support of its appeal; (iv) include all documentation upon which the contractor will rely in connection with the appeal; and (v) must include signed certification by an authorized representative of the contractor in the following form "The undersigned hereby certifies, subject to penalty for perjury pursuant to the laws of the State of California, that: (1) the undersigned is a duly-authorized representative of the contractor that has filed this appeal; and (2) all assertions and facts set forth in this appeal by or on behalf of the contractor are true and correct." A contractor's appeal must be enclosed in a sealed envelope marked "Prequalification Appeal" and must be addressed and delivered to the District contact person specified in Part 16 herein.

**Appeal Review and Hearing:** Each appeal received by the District prior to the applicable Appeals Deadline shall be administratively reviewed by a person or persons designated by the District. A contractor's appeal may request that the District conduct a hearing on the appeal, in which event, the District shall schedule such hearing at a time and on a date that takes into consideration the number of appeals received by the District, District staff workload, and other relevant factors. Because of those factors, the District will not consider the convenience to the contractor when scheduling any appeal hearing. If a contractor or its authorized representative does not appear for its appeal hearing at the time and on the date scheduled by the District, the District shall rule on the contractor's appeal solely on the basis of the content of the contractor's written appeal. Appeal hearings will be informal and not

subject to formal procedural requirements similar to those applicable to judicial hearings, although the District may impose a time limit on the hearing or any element thereof, and each person at the hearing must act in a courteous and professional manner. The purpose of a contractor's appeal hearing shall be to provide the contractor with a reasonable opportunity to present information and arguments in support of its appeal.

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

#### **PART 14: SUBSEQUENT REVIEW BY DISTRICT**

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

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

#### **PART 15: CERTAIN INFORMATION NOT A PUBLIC RECORD**

The information set forth in Section I of the Questionnaire submitted by a contractor shall be public information and may be disseminated by the District, whether upon request or on its own volition. However, all other information set forth in a contractor's Prequalification Submittal, including, but not limited to, any financial statement or CPA letter, shall not be public information and shall not be open to public inspection, unless made subject to such inspection by law or order of a court or other governmental entity with competent jurisdiction. However, the District may disclose the information in any Prequalification Submittal to third parties for the purposes of administration of the prequalification

process and/or verification or investigation of any related information, including, without limitation, for purposes of any appeal hearing.

#### **PART 16: CONTACTING THE DISTRICT**

Questions regarding this Contractor Prequalification Package or the prequalification process may be submitted must be set forth in writing and sent via email to Rudy Valdez-Romero, the District's Director of Maintenance and Operations, at [rodolfo.romero@cvesd.org](mailto:rodolfo.romero@cvesd.org). The email subject line of each such question should be specified as "Question Regarding Contractor Prequalification Package." No person other than Mr. Valdez-Romero is authorized to receive questions relating to this Contractor Prequalification Package, and the District shall have no obligation to respond to questions sent to any person or entity other than Mr. Valdez-Romero. In its discretion, the District may deem non-responsive the Prequalification Submittal of any contractor that, in connection with this Contractor Prequalification Package, contacts any District representative other than Mr. Valdez-Romero, including, without limitation, any member of the District Board.

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

The District, in its discretion, may or may not respond to any question that it receives in regard to this Contractor Prequalification Package, and the District may determine to respond only to questions that raise issues generally of importance to all contractors or to the prequalification process. If the District does not respond to a question, the Contractor Prequalification Package will be interpreted on the basis of its "plain language" meaning and the lack of response to any question submitted in accordance with this Part 16 shall not be a basis for any challenge or appeal by any contractor. If the District chooses to respond to a question submitted in accordance with this Part 16, the District's response will be in the form of an addendum to this Contractor Prequalification Package issued in accordance with Part 7 herein. In no event shall the District be responsible or liable for any failure of any contractor to receive or obtain any such addendum.

**CONTRACTOR QUESTIONNAIRE  
FOR  
PREQUALIFICATION OF PROSPECTIVE BIDDERS  
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

**SECTION I: CONTRACTOR INFORMATION (PUBLIC)**

**Name of Contractor Seeking Prequalification:**

*(Name entered below must be exactly as it appears on the contractor license issued by the CSLB.)*

\_\_\_\_\_

**Seeking Prequalification As:**

*(Check applicable box below and specify the CSLB license classification for which you are seeking prequalification. See Part 3 of the Contractor Prequalification Package regarding separate prequalification for prime contractors and MEP subcontractors. Note: A contractor that submits a bid directly to the District may not also submit sub-bids to other prime bidders.)*

- General Contractor -- License Classification(s): \_\_\_\_\_
- Mechanical Prime Contractor -- License Classification(s): \_\_\_\_\_
- Electrical Prime Contractor -- License Classification(s): \_\_\_\_\_
- Plumbing Prime Contractor -- License Classification(s): \_\_\_\_\_
- Mechanical Subcontractor -- License Classification(s): \_\_\_\_\_
- Electrical Subcontractor -- License Classification(s): \_\_\_\_\_
- Plumbing Subcontractor -- License Classification(s): \_\_\_\_\_

**Scoring: This Section I will not be scored, but must be completed in order for the Contractor to be considered responsive.**

**SECTION II: CONTRACTOR INFORMATION (NON-PUBLIC)**

**Type of Entity:** *(Check only one box below. Each member of a joint venture must separately prequalify.)*

- Corporation
- Partnership
- Limited Liability Company
- Sole Proprietorship

**Contact Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Scoring: This Section II will not be scored, but must be completed in order for the Contractor to be considered responsive.**

**SECTION III: ESSENTIAL REQUIREMENTS FOR PREQUALIFICATION**

1. Does the Contractor possess a valid and current California Contractor's license for the project or portion thereof for which it intends to submit a bid or sub-bid?  
 Yes       No
2. Does the Contractor have in effect a policy of general liability insurance, written on an occurrence basis, with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?  
 Yes       No
3. Does the Contractor have in effect such workers' compensation insurance as required by the Labor Code or is the Contractor legally self-insured pursuant to Labor Code Section 3700 *et seq.*?  
 Yes       No       Contractor is exempt, because it has no employees
4. Has the Contractor attached to this Questionnaire a copy of the financial statement or letter from its certified public accountant, as specified in Section IX of this Questionnaire, for the Contractor's most-recent fiscal year?  
 Yes       No
5. Has the Contractor attached to this Questionnaire a notarized statement from a surety insurer, as specified in Question 1 of Section X of this Questionnaire?  
 Yes       No

**Scoring: The Contractor will be disqualified if the answer to any of the foregoing Questions 1 through 5, inclusive, is "No."**

6. At any time during the last five years, have any of the Contractor's California contractor licenses been revoked?  
 Yes       No
7. At any time during the last five years, has a surety insurer completed, or paid for completion of, construction work on behalf of the Contractor, because the Contractor defaulted or was terminated by the project owner, and neither the Contractor nor the surety successfully challenged the default or termination in a court of law?  
 Yes       No
8. At the time it submits this Questionnaire to the District, is the Contractor 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, or pursuant to any other federal, California or local law?  
 Yes       No

9. At any time during the last five years, has the Contractor or any of its owners or officers been convicted of a crime associated with or arising from the bidding for, award of, or performance of any contract for a government construction project, which conviction has not been overturned on appeal?  
 Yes                       No
10. At the time it submits this Questionnaire to the District, is the Contractor the debtor in a bankruptcy case, whether voluntary or involuntary?  
 Yes                       No

**Scoring: The Contractor will be disqualified if the answer to any of the foregoing Questions 6 through 10, inclusive, is "Yes."**

**SECTION IV: CURRENT ORGANIZATION AND STRUCTURE**

**Complete the following ONLY if the Contractor is a Corporation:**

1. Specify the date the Contractor was incorporated: \_\_\_\_\_
2. Specify the state in which Contractor was incorporated: \_\_\_\_\_
3. Specify in Table IV-A, below: (i) the name of each person who is either (a) a president, vice president, secretary, treasurer or other officer of the corporation or (b) an owner of ten percent or more of the corporation's stock; (ii) the position(s) or title(s) held by such person; (iii) the amount of time (in years and months) such person has been associated with the Contractor; (iv) the percentage ownership such person has of the corporate stock; and (v) such person's social security number.
4. Specify in Table IV-B, below: (i) the name of each person identified pursuant to Item 3, above, who, at any time during the last five years, was an officer of, or owner of ten percent or more of, any other construction firm; (ii) the position(s) or title(s) held by such person; (iii) the name of each such other construction firm; and (iv) the date such person started at the other firm and, if applicable, the date such person's association with the other firm ended.

**Complete the following ONLY if the Contractor is a Partnership:**

1. Specify the date the partnership was formed: \_\_\_\_\_
2. Specify the state pursuant to the laws of which the partnership was formed: \_\_\_\_\_
3. Specify in Table IV-A, below: (i) the name of each person who owns ten percent or more of the firm; (ii) the position(s) or title(s) held by such person; (iii) the amount of time (in years and months) such person has been associated with the Contractor; (iv) the percentage ownership such person has of the firm; and (v) such person's social security number.
4. Specify in Table IV-B, below: (i) the name of each person identified pursuant to Item 3, above, who, at any time during the last five years, was an officer of, or owner of ten percent or more of, any other construction firm; (ii) the position(s) or title(s) held by such person; (iii) the name of each such other construction firm; and (iv) the date such person started at the other firm and, if applicable, the date such person's association with the other firm ended.

**Complete the following ONLY if the Contractor is a Limited Liability Company (“LLC”):**

1. Specify the date the LLC was formed: \_\_\_\_\_
2. Specify the state pursuant to the laws of which the LLC was formed: \_\_\_\_\_
3. Specify in Table IV-A, below: (i) the name of each (a) member and managing member of the LLC and (b) each person who owns ten percent or more of the firm; (ii) the position(s) or title(s) held by such member and person; (iii) the amount of time (in years and months) such member or person has been associated with the Contractor; (iv) the percentage ownership such member or person has of the firm; and (v) each such person’s social security number.
4. Specify in Table IV-B, below: (i) the name of each member or person identified pursuant to Item 3, above, who, at any time during the last five years, was an officer of, owner of ten percent or more of, or member of, any other construction firm; (ii) the position(s) or title(s) held by such member and person; (iii) the name of each such other construction firm; and (iv) the date such person or member was first associated with the other firm and, if applicable, the date such person’s or member’s association with the other firm ended.

**TABLE IV-A**

Name	Position(s)/Title(s)	Time with Firm	% Ownership	Social Security #

**TABLE IV-B**

Name of Person	Position(s)/Title(s)	Name of Other Construction Firm	Start/End Dates

**Complete the following ONLY if the Contractor is a Sole Proprietorship:**

1. Date Contractor commenced business: \_\_\_\_\_
2. Owner's social security number: \_\_\_\_\_
3. If, at any time during the last five years, the owner has been an officer of, or an owner of ten percent or more of, any other construction firm, then, for each such construction firm, specify in Table IV-C, below: (i) the position(s) or title(s) held by the owner in such other construction firm; (ii) the name of such other construction firm; and (iii) the date the owner started at the other firm and, if applicable, the date the owner's association with the other firm ended.

**TABLE IV-C**

Position(s)/Title(s)	Name of Other Construction Firm	Start/End Dates

**Complete the following ONLY if Contractor is part of a Joint Venture that intends to bid on the Project:**

1. Specify the date the joint venture was formed: \_\_\_\_\_
2. Specify in the space below the name of the firm, if any, that is the joint venture's dominant or primary managing entity: *(Name entered must be exactly as it appears on the contractor license issued by the CSLB to such entity.)*  
  
\_\_\_\_\_
3. For each firm that is a member or part of the joint venture, specify, in Table IV-D, below: (i) the name of such firm; and (ii) the percentage of ownership such firm has of the joint venture.

**TABLE IV-D**

Name of Firm	Percentage Ownership

**Scoring: This Section IV will not be scored, but must be fully completed, as applicable, for the Contractor to be considered responsive.**

**SECTION V: HISTORY AND ORGANIZATIONAL PERFORMANCE**

1. At any time during the last three years, has there been any change in the Contractor's ownership (other than, if the Contractor is a corporation, sale of publicly-traded shares of the corporation)?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

2. Do any officers, partners or owners of the Contractor hold similar positions in any other construction firms?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

3. Is the Contractor a subsidiary, parent, holding company, or affiliate of another construction firm (i.e., a firm that owns fifty percent or more of another firm, or a firm as to which an officer, partner, or owner of the Contractor also holds a similar position in the firm)?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

4. How many years has the Contractor been in business in California, with its present business name and license number, as a: *(complete all for which the Contractor is seeking to be prequalified; round months up or down based on the number of days in the particular month being rounded, e.g., 14 days in a month with 30 days would be rounded down)*

- (i) General Contractor: \_\_\_\_\_ years and \_\_\_\_\_ months;
- (ii) Mechanical Contractor: \_\_\_\_\_ years and \_\_\_\_\_ months;
- (iii) Electrical Contractor: \_\_\_\_\_ years and \_\_\_\_\_ months; and/or
- (iv) Plumbing Contractor: \_\_\_\_\_ years and \_\_\_\_\_ months.

**Scoring:  $\geq 5$  years = 5 points;  $\geq 3$  years = 2 points;  $< 3$  years = zero points**

5. At any time during the last five years, was the Contractor a debtor in any bankruptcy case (whether voluntary or involuntary) or did the Contractor assign any or all of its assets for the benefit of any creditor(s)?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

**SECTION VI: CONTRACTOR LICENSE(S)**

1. For each California contractor license held by the Contractor, specify in Table VI-A, below: (i) the license number; (ii) the license classification; and (iii) the license expiration date.

**TABLE VI-A**

License Number	Classification	Expiration Date

**Scoring: This paragraph will not be scored, but Contractor must specify all licenses that it holds in order for the Contractor to be considered responsive.**

2. For each California contractor license held by the Contractor in the name of a corporation or partnership (not just the classifications for which the Contractor is seeking prequalification), specify in Table VI-B, below: (i) the license number; and (ii) the name of each qualifying individual listed on the CSLB records who meets the experience and examination requirements for such license.

**TABLE VI-B**

License Number	Qualifying Individual

**Scoring: This paragraph will not be scored, but must be fully completed in order for the Contractor to be considered responsive.**

3. At any time during the last five years, has the Contractor changed its name or license number?  
 Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

4. At any time during the last five years, has any owner, partner or officer of the Contractor operated a construction company under any other name?  
 Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

5. At any time during the last five years, has any California contractor license held by the Contractor or its Responsible Managing Employee or Responsible Managing Officer (not just the classifications for which the Contractor is seeking prequalification) been suspended?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

## **SECTION VII: CONSTRUCTION AND BID DISPUTES**

1. At any time in the last five years, has the Contractor been assessed liquidated damages pursuant to a construction contract with either a public or private owner, and such assessment WAS NOT overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

2. At any time during the last five years, has the Contractor, any construction firm associated with the Contractor (as specified in either Table IV-B or Table IV-C), or any of the owners, officers or partners of either the Contractor or any such construction firm, been debarred, disqualified, removed from, or otherwise prevented from bidding on or completing, any public works contract, and such action WAS NOT overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

3. At any time during the last five years, has the Contractor been denied an award of a public works contract based on a determination by a public agency that the Contractor was not a responsible contractor, and such determination WAS NOT overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

*(Questions 4 and 5 in this Section VII apply only to: (i) disputes between the Contractor and project owners; and (ii) if the Contractor is seeking prequalification as a subcontractor, disputes between the Contractor and prime contractors. The Contractor need not include information about: (i) disputes between the Contractor and any of its suppliers or subcontractors; or (ii) "pass-through" disputes in which the actual dispute is between a project owner and a subcontractor to the Contractor.)*

4. At any time during the last five years, has any claim arising from the Contractor's work on a construction project been filed against the Contractor in a court of law or with an arbitrator, and the Contractor DID NOT prevail on substantially all aspects of such claim?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

5. At any time during the last five years, did the Contractor file any claim against a project owner or prime contractor, in a court of law or with an arbitrator, that arose from the Contractor's work on a project or payment due or allegedly due to the Contractor for such work, and the Contractor DID NOT prevail on substantially all aspects of such claim?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

6. At any time during the last five years, has any surety company made any payments on the Contractor's behalf as a result of any default, or to satisfy any claims made against a performance or payment bond issued on the Contractor's behalf, in connection with a construction project?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

7. At any time during the last five years, has any insurance carrier refused to renew an insurance policy (for any form or type of insurance) held by the Contractor?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

8. At any time during the last five years, did any other party protest a bid that the Contractor submitted to a public agency, which resulted in either a rejection of the Contractor's bid or rejection of all bids by the public agency?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

9. At any time during the last five years, did the Contractor protest a bid that any other party submitted to a public agency, which DID NOT result in either a rejection of the other party's bid or rejection of all bids by the public agency?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

#### **SECTION VIII: CRIMINAL AND CIVIL ACTIONS**

1. Has the Contractor or any of its owners, officers or partners ever been found liable in a civil suit or guilty in a criminal action for making any false claim or material misrepresentation to any public agency, and such finding WAS NOT overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

2. Has the Contractor or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law in any manner related to construction, and such conviction WAS NOT overturned on appeal?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

3. Has the Contractor 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, and such conviction WAS NOT overturned on appeal?

Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

**SECTION IX: FINANCIAL CAPACITY**

*(The Contractor must comply with either Question 1 or Question 2, below, but the Contractor may comply with both. If the Contractor complies only with Question 1, the District will determine the ratios described below based on information in the Contractor's financial statement. For purposes of the Working Capital ratio, the "Estimated Project Cost" for prime contractors is assumed to be \$5 million and the Estimated Project Cost for MEP subcontractors is assumed to be \$1 million.)*

1. Attach to this Questionnaire a copy of the Contractor's reviewed or audited financial statement for the Contractor's most-recent completed fiscal year, with accompanying notes and supplemental information. *(A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit is not a substitute for the required financial statement.)*
2. Attach to this Questionnaire a letter on the letterhead of an independent certified public accountant that specifies the financial ratios described in Table IX-A, below, for the Contractor's most-recent completed fiscal year. The letter must be certified to be free of knowingly false, fictitious and fraudulent information and signed by a partner in the CPA firm and by the Contractor's chief financial officer, president or chief executive officer.

**TABLE IX-A**

<b>Ratio</b>	<b>Formula</b>	<b>Desired Ratio</b>
Current	Current Assets divided by Current Liabilities	> 1.15
Net Worth	Total Assets minus Total Liabilities	≥ 0.0
Working Capital	Current Assets minus Current Liabilities, divided by Estimated Project Cost	≥ 10%
Leverage	Total Liabilities divided by Equity	≤ 2.5

**Scoring:**

**Current Ratio:** > 1.15 = 8 points; ≤ 1.15 and > 1.0 = 4 points; < 1.0 = zero points

**Net Worth:** ≥ 0.0 = 8 points; < 0.0 = zero points

**Working Capital:** ≥ 10% = 8 points; ≥ 7.5% = 4 points; any other answer = zero points

**Leverage:** ≤ 2.5 = 8 points; > 2.5 and ≤ 3.25 = 4 points; any other answer = zero points

**SECTION X: BONDING CAPACITY AND STABILITY**

1. Attach to this Questionnaire a notarized statement from the surety insurer that would issue payment and performance bonds on behalf of the Contractor, if the District were to award a contract for work on the Project to the Contractor. Such surety insurer must be an “admitted” surety insurer, i.e., authorized by the California Department of Insurance to conduct business and issue bonds in California. The notarized statement must be from such admitted surety insurer itself, not from a broker, agent or other representative of the surety insurer. The statement must specify: (i) the name of the surety insurer; (ii) the name, address, and telephone number of the surety insurer’s local representative or agent; and (iii) the Contractor’s per-project and aggregate bonding capacity at the time the Contractor submits this Questionnaire to the District.

***Scoring: This paragraph will not be scored, but a notarized statement meeting the foregoing requirements must be attached to this Questionnaire in order for the Contractor to be considered responsive.***

2. At any time during the last five years, was the Contractor required to pay a premium of more than one percent for a performance and payment bond for a construction project?  
 Yes       No

***Scoring: “Yes” = zero points; “No” = 5 points***

3. If, at any time during the last five years, any surety insurer (other than the surety that provided the notarized statement pursuant to Question 1 of this Section X) issued any payment bond or performance bond on behalf of the Contractor, list in Table X-A, below: (i) the name of each such surety insurer; (ii) such surety’s address; and (iii) the date the surety issued the bond.

**TABLE X-A**

Surety Name	Address	Date Bond Issued

***Scoring: No Surety Listed = 5 points; 1 Surety Listed = 3 points; any other answer = zero points***

4. At any time during the last five years, has a surety insurer refused to issue a bond on behalf of the Contractor, or has there ever been a period of time when the Contractor had no surety bond in place during a public construction project when one was required?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

#### **SECTION XI: HEALTH AND SAFETY**

1. At any time during the last five years, has the California Occupational Safety and Health Administration ("Cal-OSHA") cited the Contractor for any "serious," "willful" or "repeat" violations of safety or health laws or regulations, and such citation WAS NOT withdrawn or overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

2. At any time during the last five years, has the federal Occupational Safety and Health Administration ("Fed-OSHA") cited the Contractor for violations of safety or health laws or regulations, and such citation WAS NOT withdrawn or overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

3. At any time during the last five years, has a federal or state Environmental Protection Agency, Air Quality Management District, or Regional Water Quality Control Board cited the Contractor (or cited the owner of a project for which the Contractor was responsible for environmental compliance) for violation of any environmental law or regulation, and such citation WAS NOT withdrawn or overturned on appeal?
- Yes       No

**Scoring: "Yes" = zero points; "No" = 5 points**

4. Specify the frequency during the course of a construction project (*e.g., daily, once every two days, weekly, once every two weeks, monthly or other*) that the Contractor requires documented safety meetings to be held for construction employees and field supervisors:
- \_\_\_\_\_

**Scoring:  $\geq$  daily = 5 points;  $<$  daily to  $\geq$  weekly = 3 points;  $<$  weekly = zero points**

5. Specify the frequency during the course of a construction project (*e.g., daily, once every two days, weekly, once every two weeks, monthly or other*) that the Contractor requires a safety manager or officer to conduct inspections of the project and work site:
- \_\_\_\_\_

**Scoring:  $\geq$  daily = 5 points;  $<$  daily to  $\geq$  weekly = 3 points;  $<$  weekly = zero points**

6. In the appropriate spaces below, specify the Contractor's Experience Modification Rate (EMR) (California workers' compensation insurance), as determined by the Contractor's workers' compensation insurance carrier, for each of the past three premium years.

Current year: \_\_\_\_\_

Last year: \_\_\_\_\_

Year prior to last year: \_\_\_\_\_

**Scoring (3-year average):  $\leq 0.90 = 8$  points;  $> 0.90$  to  $\leq 1.25 = 6$  points;  
 $> 1.25$  to  $\leq 1.5 = 4$  points;  $> 1.5 =$  zero points**

7. At any time during the last five years, was there ever a period when the Contractor had employees, but was without workers' compensation insurance or state-approved self-insurance?

Yes  No

**Scoring: "Yes" = zero points; "No" = 5 points**

## **SECTION XII: PREVAILING WAGES AND APPRENTICESHIP**

1. At any time during the last five years, was the Contractor required to pay either back wages and/or penalties because the Contractor failed to comply with federal or state prevailing-wage laws? (*This question pertains only to violations of prevailing wage laws by the Contractor, not by any subcontractor to the Contractor.*)

Yes  No

**Scoring: "Yes" = zero points; "No" = 5 points**

2. Specify below the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from which the Contractor (if the District awards a contract to the Contractor for work on the Project) will, if applicable, request the dispatch of apprentices for use on the Project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: \_\_\_\_\_

**Scoring: This paragraph will not be scored, but must be fully completed in order for the Contractor to be considered responsive.**

3. Does the Contractor operate its own State of California-approved apprenticeship program?

Yes  No

**Scoring: "Yes" = 5 points; "No" = zero points**

4. At any time during the last five years, has the Contractor 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

**Scoring: "Yes" = zero points; "No" = 5 points**

**SECTION XIII: PUBLIC PROJECT EXPERIENCE**

**Answer the following question only if Contractor seeks to be prequalified as a prime contractor (whether general or MEP). Do not answer both this Question and the following Question 2.**

1. Specify the number of public projects that the Contractor completed during the last ten years, in each case acting as a prime contractor or construction manager under direct contract with a California public school district, and for which projects approval by the California Department of General Services, Division of State Architect ("DSA") was required: \_\_\_\_\_

**Scoring: 1 point for each project, up to a maximum of 10 total points**

**Answer the following question only if Contractor seeks to be prequalified as a MEP subcontractor. Do not answer both this Question and the foregoing Question 1.**

2. Specify the number of public projects that the Contractor completed during the last ten years, in each case acting as a MEP subcontractor to a prime contractor that directly contracted with a California public school district, and for which projects approval by the DSA was required: \_\_\_\_\_

**Scoring: 1 point for each project, up to a maximum of 10 total points**

3. Specify the final contract amounts (i.e., as adjusted by any change-orders, amendments, *et cetera*) of the ten **most recent** public-works construction contracts completed by the Contractor (i.e., its own contracts and, as applicable, acting as a prime contractor or construction manager if seeking to be prequalified as a prime contractor, or as a MEP subcontractor to a prime contractor if seeking to be prequalified as a MEP subcontractor) during the last ten years, for which approval by the DSA was required: *(If the Contractor has completed less than ten such contracts in the last ten years, specify contract amounts for all of such contracts)*

Contract No. 1: \$ _____	Contract No. 6: \$ _____
Contract No. 2: \$ _____	Contract No. 7: \$ _____
Contract No. 3: \$ _____	Contract No. 8: \$ _____
Contract No. 4: \$ _____	Contract No. 9: \$ _____
Contract No. 5: \$ _____	Contract No. 10: \$ _____

**Scoring: 1 point for each contract listed, up to a maximum of 10 total points. Assuming the Contractor otherwise satisfies all requirements for prequalification, the foregoing contract amounts will be used to determine the Contractor's Maximum Authorized Contract Amount, as described in Part 11 of the Contractor Prequalification Package.**

4. Specify the final contract amounts (i.e., as adjusted by any change-orders, amendments, *et cetera*) of the ten **largest** public-works construction contracts (i.e., highest contract amounts) completed by the Contractor (i.e., its own contracts and, as applicable, acting as a prime contractor or construction manager if seeking to be prequalified as a prime contractor or as a MEP subcontractor to a prime contractor if seeking to be prequalified as a MEP subcontractor) during the last ten years, for which approval by the DSA was required: *(If the Contractor has completed less than ten such contracts in the last ten years, specify contract amounts for all of such contracts)*

Contract No. 1: \$ _____	Contract No. 6: \$ _____
Contract No. 2: \$ _____	Contract No. 7: \$ _____
Contract No. 3: \$ _____	Contract No. 8: \$ _____
Contract No. 4: \$ _____	Contract No. 9: \$ _____
Contract No. 5: \$ _____	Contract No. 10: \$ _____

**Scoring: 1 point for each contract listed, up to a maximum of 10 total points. Assuming the Contractor otherwise satisfies all requirements for prequalification, the foregoing contract amounts will be used to determine the Contractor's Maximum Authorized Contract Amount, as described in Part 11 of the Contractor Prequalification Package.**

5. For each of the contracts specified in Question 3 of this Section XIII, above, the Contractor must fully complete and attach to this Questionnaire a photocopy of the Project Information Sheet on the following page.

**Scoring: This paragraph will not be scored, but a fully-completed Project Information Sheet for each contract specified in Question 3 of this Section XIII must be attached to this Questionnaire in order for the Contractor to be considered responsive.**

**PROJECT INFORMATION SHEET**  
(Make copies of blank sheet as needed)

Contract No. (as designated in Question 3 of Section XIII of the Questionnaire): \_\_\_\_\_

Contract Date: \_\_\_\_\_

Final Contract Amount (as adjusted): \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

School District (Project Owner): \_\_\_\_\_

School District Contact Name: \_\_\_\_\_

School District Contact Telephone Number: \_\_\_\_\_

Design Professional (i.e., Architect or, if none, Engineer): \_\_\_\_\_

Design Professional Contact Name: \_\_\_\_\_

Design Professional Telephone Number: \_\_\_\_\_

Construction Manager (insert "N/A" if none or if Contractor acted as the CM): \_\_\_\_\_

Construction Manager Contact Name: \_\_\_\_\_

Construction Manager Telephone Number: \_\_\_\_\_

Prime Contractor (if Contractor acted as a subcontractor): \_\_\_\_\_

Prime Contractor Contact Name: \_\_\_\_\_

Prime Contractor Telephone Number: \_\_\_\_\_

General Description of Project and Contractor's Scope of Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Originally-Scheduled Completion Date: \_\_\_\_\_

Contract Time Extensions (number of days): \_\_\_\_\_

Actual Completion Date: \_\_\_\_\_

**SECTION XIV: ADDENDA**

Each Contractor shall be responsible for checking the District’s website, prior to the Prequalification Submittal Deadline, to determine whether the District has issued any one or more addenda to the Contractor Prequalification Package. If the District has issued any one or more addenda to the Contractor Prequalification Package, the Contractor must acknowledge that it has obtained a copy of each such addendum by entering its “addendum number” in Table XIV-A, below.

**TABLE XIV-A**

<b>Addendum No.</b>

**Scoring: This Section XIV will not be scored, but, if applicable, it must be completed in order for the Contractor to be considered responsive.**

**SECTION XV: CERTIFICATION**

The undersigned hereby certifies to the District, subject to penalty for perjury pursuant to the laws of the State of California, that: (i) the undersigned is a representative of the Contractor and has been duly authorized by the Contractor to submit to the District the Prequalification Submittal of which this certification is a part; (ii) on behalf of the Contractor, I have diligently reviewed and have knowledge of all the responses set forth in this Questionnaire; (iii) on behalf of the Contractor, I have diligently reviewed and have knowledge of all the information attached to and/or submitted with this Questionnaire; and (iv) based on my personal knowledge, the responses set forth in and attached to and/or submitted with this Questionnaire on behalf of the Contractor are true and correct; except as to those matters stated on information and belief, and as to those matters I believe them to be true and correct.

Representative Signature: \_\_\_\_\_

Representative Name: \_\_\_\_\_

Representative Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

City/State Where Signed: \_\_\_\_\_

**Scoring: This Section XV will not be scored, but it must be fully completed in order for the Contractor to be considered responsive.**