



**PREQUALIFICATION PACKAGE**

**FOR**

**PROSPECTIVE BIDDERS ON**

**DISTRICT CONSTRUCTION PROJECTS**

**(CALENDAR YEAR 2020)**

Deliver Prequalification Submittals To:  
Conejo Valley Unified School District  
Planning and Facilities Department  
750 Mitchell Road, Newbury Park CA 91320  
Attention: Tim McCabe - Director, Planning and Construction

**TABLE OF CONTENTS**

I. SUMMARY ..... 1

    A. Introduction ..... 1

    B. Brief Description of District..... 1

    C. Prequalification Is a Prerequisite to Bidding on Certain District Projects ..... 1

    D. Anticipated Dates ..... 2

II. INSTRUCTIONS..... 3

    1. Incorporation by Reference of Prequalification Package..... 3

    2. Prequalification Mandatory for Certain Projects ..... 3

    3. Joint Ventures..... 3

    4. Use of District Forms Mandatory..... 3

    5. Prequalification Submittal Documents..... 4

    6. Signatures ..... 4

    7. Additional Instructions for Completing Questionnaire ..... 5

    8. No Modifications to Prequalification Forms..... 6

    9. No Reliance on Prior Submittals..... 6

    10. Delivery of Submittal to District; Submittal Deadline..... 6

    11. Modification of Prequalification Submittal..... 6

    12. Withdrawal of Prequalification Submittal..... 7

    13. District’s Evaluation of Prequalification Submittals..... 7

    14. District’s Determination of Prequalification Status ..... 8

    15. Notice of Prequalification Status..... 9

    16. Appeal Rights..... 9

    17. Instructions for Submitting an Appeal ..... 10

    18. Appeal Review ..... 11

    19. Appeal Hearings..... 11

    20. District Decisions regarding Appeals..... 12

    21. Submittals Become District Property ..... 12

    22. Public Records Act..... 12

    23. Ongoing Duty to Provide Accurate, Complete Information ..... 12

    24. District’s Right to Verify Documents ..... 12

    25. Addenda to Prequalification Package ..... 13

    26. Additional Review of Submittals by District ..... 13

    27. Prequalification Expenses ..... 13

    28. No Representations or Warranties..... 13

    29. No Improper Influence of District Board or Staff..... 14

    30. Reservation of Rights ..... 14

    31. Requests for Further Information..... 14

**EXHIBITS**

- A – Prequalification Questionnaire
- B-1 – Certificate of Accountant
- B-2- Certificate of Accountant
- C – General Letter of Credit
- D – Scored Interview Questions

## **PART I: SUMMARY**

### **A. Introduction**

This prequalification package (this “**Prequalification Package**”), which has been prepared on behalf of Conejo Valley Unified School District (the “**District**”), is intended to elicit prequalification submittals, including, but not limited to, completed prequalification questionnaires and financial statements, from qualified contractors and subcontractors interested in bidding on future District construction projects. Prequalification submittals are individually referred in this document as a “**Submittal**” and collectively as “**Submittals.**” This Prequalification Package has been prepared pursuant to Public Contract Code (“**PCC**”) Sections 20111.5 and 20111.6. Accordingly, for applicable projects, the District will only accept bids from prequalified general contractors with an A or B license and prequalified mechanical, engineering, landscaping and plumbing subcontractors with the below-specified C licenses for the projects.

### **B. Brief Description of District**

The District is a unified school district that serves the City of Thousand Oaks and the communities of Newbury Park and Westlake Village in Ventura County (the “**County**”), California. Currently, the District provides public education to approximately 19,000 students through three preschool/early childcare schools, 18 elementary schools (TK-5 and K-5), six middle schools, and five high schools. The District also delivers other academic programs, including adult education. These educational services, and various administrative support services, take place at more than 33 sites on more than 500 acres of property throughout the Conejo Valley.

The District is governed by a five-member Board. The day-to-day operations of the District are administered by the District Superintendent, the Deputy Superintendent, the Assistant Superintendent of Instructional Services, the Assistant Superintendent of Human Resources, and the Assistant Superintendent of Student Support Services, all with support from numerous staff.

### **C. Prequalification Is a Prerequisite to Bidding on Certain District Projects**

Pursuant to PCC Sections 20111.5 and 20111.6, the District has elected to adopt and implement a uniform system of rating prospective bidders on the basis of completed standardized questionnaires and financial statements (which must be verified under oath by the bidders). This Prequalification Package will be applicable to projects with expected expenditures greater than \$200,000.00, as determined by the District in its sole discretion (collectively, the “**Projects**” and individually a “**Project**”). The following contractors and subcontractors must be prequalified in order to bid on the Projects:

- all contractors with a general engineering contractor’s license (an “A” license);
- all contractors with a general building contractor’s license (a “B” license); and

- all contractors and subcontractors with a mechanical, electrical and plumbing specialty (“MEP specialty”) with any of the following “C” licenses:
  - C-4 (boiler, hot water heating and steam fitting),
  - C-7 (low voltage systems contractor),
  - C-10 (electrical),
  - C-16 (fire protection),
  - C-20 (warm-air heating, ventilating and air conditioning),
  - C-27 (landscaping),
  - C-34 (pipeline),
  - C-36 (plumbing),
  - C-38 (refrigeration),
  - C-42 (sanitation system),
  - C-43 (sheet metal), and
  - C-46 (solar).

#### **D. Anticipated Dates**

For unregistered contractors, the District may require prequalification on a per Project basis. Under those circumstances, the District will issue a set of special instructions (the “**Special Instructions**”) indicating the prequalification deadlines applicable to the specific Project.

## **PART II: INSTRUCTIONS**

All prospective bidders must comply with these instructions (these “**Instructions**”) in order to ensure that their Submittals will be considered by the District. Capitalized terms used but not defined in these Instructions shall have the meanings attributed to such terms in other parts of this Prequalification Package.

**1. Incorporation by Reference of Prequalification Package.** Prospective bidders shall carefully review this Prequalification Package, including these Instructions. In the event that the bidder is prequalified and later awarded a contract with the District, this Prequalification Package, including these Instructions, shall be automatically incorporated by reference into the construction contract. The failure of a prospective bidder to examine and understand any part of this Prequalification Package shall not relieve the bidder from any obligations under this Prequalification Package. If a prospective bidder is in doubt as to the true meaning of any part of this Prequalification Package, or finds any conflict, omission or other discrepancy in any part of this Prequalification Package, the bidder must submit to the District a written request for interpretation, clarification or correction, all in accordance with the procedures set forth in paragraph 31. The submission of a Submittal shall be deemed and construed as a representation and warranty by the prospective bidder that the bidder understands and agrees with this Prequalification Package.

**2. Prequalification Mandatory for Certain Projects.** Each general contractor is solely responsible for its compliance with this Prequalification Package. The District can only accept bids for the Projects from and award bids to prequalified prime contractors and prequalified MEP specialty subcontractors. The District will reject any and all bids by general contractors that are not prequalified for the Projects. If the District awards a contract to a general contractor that listed in its bid any MEP specialty contractor that was not prequalified, then the general contractor will be required to substitute the listed but not prequalified MEP specialty contractor for a prequalified MEP specialty contractor at no additional cost to the District. In no event shall the District be liable to a general contractor for any costs, expenses, lost profits, or other alleged damages caused by the general contractor’s failure to comply with the provisions of this paragraph, including, but not limited to, the costs of replacing a subcontractor.

**3. Joint Ventures.** If a general contractor desires to submit a joint bid with another contractor for any of the Projects, both contractors must be individually and separately prequalified.

**4. Use of District Forms Mandatory.** To assure uniformity in this prequalification process, prospective bidders must use only those forms included in this Prequalification Package. Prospective bidders shall not copy and paste, modify or alter the forms in any manner whatsoever. For example, prospective bidders shall not copy and paste the forms included in this Prequalification Package into a Word document, complete the Word document, and then submit the Word document to the District. The District reserves the right to reject any Submittal that contains copied, modified or alternate forms. When the forms in this Prequalification Package request additional information from the prospective bidder, the bidder may submit such additional information on the bidder’s own forms.

**5. Prequalification Submittal Documents.** To seek prequalification for the Projects, each prospective bidder must timely submit the following documents to the District:

- a. the standardized prequalification questionnaire, which is attached as Exhibit “A” (the “**Questionnaire**”), including all related forms, authorizations, acknowledgements and oaths;
- b. the financial statement (the “**Financial Statement**”) which is referenced in Questions 16 and 55 of the Questionnaire, and all supporting documentation requested in the Questionnaire;
- c. the notarized statement from an admitted surety referenced in Questions 17 and 67 of the Questionnaire;
- d. the line of credit information requested in Question 58 of the Questionnaire; and
- e. any additional information required to be submitted by the prospective bidder (*e.g.*, all supplemental information required to be submitted by the prospective bidder because the bidder’s answer required the bidder to “explain on a separate, signed page” and/or provide further documentation).

Note: A prospective bidder that purposefully or inadvertently fails to include any requested information in its Submittal may be automatically disqualified.

**6. Signatures.** The Submittal must be signed and dated by a person duly authorized to contractually bind the prospective bidder in connection with this Prequalification Package and the prequalification process. Unsigned Submittals may be considered non-responsive, resulting in possible rejection of the response. The District prefers that signatures comply with the following rules.

a. **Corporations.** If the prospective bidder is a corporation, each document must set forth the full, legal name of the corporation and must be signed by both the respondent’s president and secretary. Alternatively, the signature of another authorized representative may be affixed to the documents if the respondent includes with its proposal a certified copy of a resolution of the corporation’s board of directors authorizing such person to sign the documents as the respondent’s authorized representative. Documents submitted with the Submittal must include the title of each signatory below the signature.

b. **Limited Liability Companies.** If the prospective bidder is a limited liability company, each document must set forth the full, legal name of the company and the names of all members of the company, and all such members must sign the documents for the respondent. Alternatively, the document may be signed by a

representative of the managing member of the company if the respondent includes with its Submittal a certified copy of a statement of the managing member's authority and the specific signatory's authority to sign the documents as the respondent's authorized representative.

c. **Partnerships.** If the prospective bidder is a partnership of any type, each document must set forth the full, true name of the partnership and the names of all persons and/or entities comprising the partnership, and all such persons and entities (or their legal representatives as applicable) must sign the documents. Alternatively, the documents may be signed by a general partner of the partnership if the prospective bidder includes with its Submittal a certified copy of a statement of the partnership acknowledging the signatory as a general partner (or a representative of the general partner) with authority to sign the documents.

d. **Sole Proprietorships.** If the prospective bidder is a sole proprietorship, each document must set forth the true name of the sole proprietorship and its owner, and such owner must sign the document. Alternatively, an agent of the owner may sign a document if the prospective bidder has included in the Submittal a certified copy of a current and valid power of attorney authorizing the agent to sign the document.

e. **Fictitious Business Names and Joint Ventures.** If the prospective bidder is an entity using a fictitious business name or a joint venture of two (2) or more parties, documents must satisfy the requirements set forth above for signatures on behalf of corporations or partnerships, as applicable. The signature on any document signed on behalf of any entity using a fictitious business name must so indicate in the signature block (*e.g.*, ABC Corporation, Inc., *dba* ABC Administrative Services). Documents submitted by parties acting as joint venturers must so indicate in the signature block and must be signed by or on behalf of each and every joint venturer.

7. **Additional Instructions for Completing Questionnaire.** Prospective bidders must follow the below directions regarding completion of the Questionnaire.

a. Completely, accurately and legibly answer all questions in the Questionnaire. **Do not leave any questions blank.** If the item is not applicable, insert "n/a."

b. Clearly label all supporting documentation as specified in the Questionnaire.

c. Submit all supporting documentation in the order specified in the Questionnaire.

d. All information must be typewritten or neatly printed in black or blue ink.

e. A Questionnaire or other part of the prospective bidder's Submittal may contain an erasure, interlineation, or other correction only if the correction is made to the information entered by the respondent (not to any preprinted text in the appendices or other forms provided by the District), does not result in any inconsistency or ambiguity, and is authenticated by affixing, in the margin immediately adjacent to the correction, the initials of the person or persons signing the Submittal.

f. Submit all documentation on standard 8½-inch by 11-inch paper.

**8. No Modifications to Prequalification Forms.** Prospective bidders must use the forms included in this Prequalification Package. Prospective bidders cannot modify or alter the Questionnaire or other documents set forth herein. The District will reject any Submittals that contain modified documents or alternate documents.

**9. No Reliance on Prior Submittals.** Prospective bidders must timely submit a complete Submittal to the District in accordance with this Prequalification Package. Prospective bidders cannot rely upon any prior prequalification submittals or the prior provision of relevant documentation to the District, or cross reference those prior documents in lieu of submitting a complete Submittal to the District.

**10. Delivery of Submittal to District; Submittal Deadline.** Applicants shall place one (1) hard copy and one (1) electronic copy (*i.e.*, on a flash drive) of the complete Submittal in a sealed envelope and label the sealed envelope as follows:

Prequalification Submittal for Conejo Valley Unified School District,  
Attention Tim McCabe, Director of Planning and Construction

The entire Submittal must be delivered to Mr. McCabe at the Planning and Facilities Department located at 750 Mitchell Road, Newbury Park, CA 91320 on the submittal deadline that is set forth in the applicable Special Instructions (the "**Submittal Deadline**"). The Submittal may be hand delivered, delivered by courier, or mailed.

**11. Modification of Prequalification Submittal.** A prospective bidder may modify a Submittal that it has already submitted to the District *only* if the prospective bidder (a) submits the modified, complete Submittal to the District by the Submittal Deadline, and (b) simultaneously provides the District with written notice that the modified Submittal supersedes the prior Submittal. Any modified Submittal must be a complete Submittal that fully complies with the instructions set forth in this Prequalification Package. The District will replace any prior Submittal with a modified Submittal that is complete, timely submitted and complies with this Prequalification Package's instructions. The District will reject any modified Submittal that is incomplete, not timely received, or otherwise does not comply with this Prequalification Package's instructions. If the District rejects a modified Submittal, then the District will review and evaluate the prior Submittal (unless the prospective bidder withdraws the prior Submittal in accordance with paragraph 12, below). A prospective bidder that properly modifies its Submittal shall only have rights to appeal the District's decision or lack of decision regarding the modified Submittal



and shall not have any rights of appeal with respect to the original Submittal. Conversely, a prospective bidder that attempts to modify its Submittal but fails to timely or properly do so shall only have appeal rights with respect to the original Submittal.

**12. Withdrawal of Prequalification Submittal.** At any time prior to the awarding of bids for the Project, a prospective bidder may withdraw its Submittal by providing the District with written notice of the withdrawal. The written notice must be delivered to Tim McCabe, Director of Planning and Construction, at the District offices. If the District receives the withdrawal notice prior to the District's review of the Submittal, then the District will not review the Submittal. If the District receives the withdrawal notice during the District's review of the Submittal, then the District will cease its review of the Submittal. If the District receives the withdrawal notice after the District's review of the Submittal, and the District determined that the prospective bidder was prequalified, then the District will cancel the prospective bidder's prequalified status. A prospective bidder that withdraws its Submittal shall not have any rights to appeal the District's decision or lack of decision regarding the prospective bidder's prequalification for the Project.

**13. District's Evaluation of Prequalification Submittals.** The District shall review each Submittal for the following threshold matters.

a. **Timeliness.** The District will review each Submittal for timeliness of delivery and receipt. The District will reject as non-responsive any Submittals submitted after the Submittal Deadline. (See applicable Special Instructions for the Submittal Deadline.) Prospective bidders are solely responsible for timely delivery and receipt of the Submittal, regardless of external factors such as traffic, parking issues, weather, lines at the District's reception desk, problems with couriers, or other matters. Prospective bidders are encouraged to deliver their Submittals to the District well in advance of the Submittal Deadline, and to otherwise factor in contingencies (such as traffic, difficulty in finding parking, *etc.*) when arranging for delivery of the Submittals.

Note: The District shall in no manner whatsoever be responsible for the timeliness of Submittals. Additionally, the District's determination of timeliness shall be conclusive. The District will not consider arguments that the District's method of calculating timeliness is erroneous or flawed (*e.g.*, that the District's clock is inaccurate). As stated above, prospective bidders are encouraged to deliver their Submittals to the District well in advance of the Submittal Deadline in order to avoid a rejection of their Submittals for untimeliness.

b. **Responsiveness.** In addition to reviewing each Submittal for timeliness, the District will review each Submittal for all other components of responsiveness. The District will reject any Submittals that are not complete or otherwise do not comply with this Prequalification Package's requirements. Specifically, the District will reject as non-responsive the following: (i) any Submittal with a revised or altered Questionnaire (*i.e.*, a questionnaire that has been changed, such as by adding or deleting provisions in the original questionnaire);

(ii) any Submittal with an alternative Questionnaire (*i.e.*, a questionnaire different than the one provided in this Prequalification Package, such as a questionnaire for another school district); (iii) any Submittal with an incomplete Questionnaire (*e.g.*, prospective bidder fails to respond to all questions or fails to fully respond to all questions); (iv) any Submittal that omits the requested financial information; (v) any Submittal that omits any other required exhibit or attachment; (vi) any Submittal without the signed certification and oath under penalty of perjury; and (vii) any Submittal that otherwise fails to comply with this Prequalification Package’s requirements. In the event that the District determines that a Submittal is non-responsive, then the District will provide the prospective bidder written notice of such determination by regular mail and electronic mail (the “**Notice of Non-Responsive Submittal**”).

**14. District’s Determination of Prequalification Status.** The District will review every timely responsive Submittal to determine whether the prospective bidder is “prequalified” or “not prequalified” (*i.e.*, disqualified).

a. **Automatic Disqualification.** The District will review the information set forth in Section B of the Questionnaire to determine whether the prospective bidder is automatically disqualified.

b. **Questionnaire Scoring.** If the prospective bidder is not automatically disqualified, then the District will review each section of the Questionnaire and each appendix and score each section in accordance with the directions set forth in the Questionnaire. Certain sections in the Questionnaire will not be scored, but must be completed (*e.g.*, the prospective bidder’s contact information in Section A).

c. **Independent Verification of Information.** Subsequently, the District may independently verify certain information, such as financial information, provided by the prospective bidder. The District reserves the right to review additional outside sources pursuant to paragraph 24.

d. **Scored Interview Questions.** The Questionnaire requires the prospective bidder to provide the District with certain information regarding its prior public works and private projects, including the contact information of the owner, construction manager, and other parties associated with the project. In addition to evaluating the Questionnaire, Financial Statement, and related financial documentation, the District intends to interview contacts from at least two of each prospective bidder’s prior projects.

Note: The interview questions, set forth in Exhibit “D,” are provided to prospective bidders for informational purposes only. The District will conduct all interviews. Prospective bidders are not required to take any action with respect to potential interviews. District interviewers may ask the interviewees whether prospective bidders contacted the interviewees in advance of the interviews and attempted to

influence their answers. The District reserves the right to disqualify any prospective bidder if the District determines, in its sole discretion, that the prospective bidder attempted to improperly influence an interviewee.

e. **Minimum Points for Prequalification.** The minimum number of points required for prequalification is set forth below.

<b>Category</b>	<b>Total Possible Points</b>	<b>Minimum Points for Prequalification</b>
Section A	<i>Information only</i>	<i>Information only</i> *
Section B	<i>Essential requirements for qualification</i>	<i>Essential requirements for qualification</i> *
Section C	145	108
Section D	50 (plus evaluation of financials)	37
Section E	100	70
Section F	150	105**
Section G	<i>Addenda acknowledgment</i>	<i>Addenda acknowledgment</i> *
Section H	<i>Authorizations</i>	<i>Authorizations</i> *
Section I	<i>Oath</i>	<i>Oath</i> *
<b>TOTAL</b>	<b>445</b>	<b>320</b>

\* These sections are mandatory and must be completed by the prospective bidders, even though no points are awarded for these sections.

\*\* Prospective bidders must provide references for prior construction projects using the forms provided in Section F of the Questionnaire. The District intends to interview at least two of those references and score their responses using the information provided in Exhibit “D”.

**15. Notice of Prequalification Status.** The District intends to provide each prospective bidder a written notice of prequalification status (“**Notice of Prequalification Status**”) before or on the date set forth in the Special Instructions. The District may send the Notice of Prequalification Status by electronic mail to the address provided in the prospective bidder’s Submittal. If the Notice of Prequalification Status states that a prospective bidder is prequalified, then that prospective bidder is eligible to submit bids for work on the Project. If the Notice of Prequalification Status states that a prospective bidder is not prequalified, then the notice will specify the basis for the disqualification.

**16. Appeal Rights.**

a. A prospective bidder shall have no rights to appeal the District’s prequalification decision if: (i) the District determined that the Submittal was received after the Submittal Deadline; (ii) the prospective bidder withdrew its Submittal; (iii) the prospective bidder submitted a modified Questionnaire; or (iv) the prospective bidder submitted an alternative questionnaire.

b. A prospective bidder shall have rights to appeal the District’s prequalification decision only if: (i) the District determined that the Submittal was timely received, but not otherwise responsive (e.g., the prospective bidder received a Notice of Non-Responsive Submittal indicating that the Submittal was incomplete

or otherwise did not comply with the provisions of this Prequalification Package), but the prospective bidder can demonstrate that the Submittal, as originally submitted, was in fact complete and otherwise complied with the provisions of this Prequalification Package; (ii) the District determined that the Submittal was timely received and responsive, yet further determined that the prospective bidder was automatically disqualified (*i.e.*, the prospective bidder received a Notice of Prequalification Status that indicated the prospective bidder was disqualified based upon the information set forth in Section B of the Questionnaire), but the prospective bidder can demonstrate the District incorrectly determined the automatic disqualification (based upon the information set forth in Section B of the Questionnaire); or (iii) the District determined that the Submittal was timely received and responsive, yet further determined that the prospective bidder was not prequalified (*i.e.*, the prospective bidder received a Notice of Prequalification Status that indicated the prospective bidder failed to obtain the minimum number of points for prequalification), but the prospective bidder can demonstrate that the District did not correctly calculate the prospective bidder's score and the actual score in each category is sufficient to prequalify the prospective bidder.

**17. Instructions for Submitting an Appeal.** If the prospective bidder has a right to appeal as set forth in paragraph 16 above, then the prospective bidder shall submit any such appeal (individually an “**Appeal**” and collectively the “**Appeals**”) in accordance with the following provisions.

- a. The Appeal must be in writing on 8½-inch by 11-inch paper.
- b. The Appeal must clearly provide the following information in a cover letter or similar document at the beginning of the Appeal: (i) the prospective bidder's name, mailing address, phone number, and email address; (ii) the name of the project for which prequalification was sought; (iii) the fact that the prospective bidder is appealing the District's prequalification decision; (iv) the type of notice that the prospective bidder received from the District (*e.g.*, Notice of Non-Responsive Submittal or Notice of Prequalification Status); and (v) the date the Appeal is being submitted to the District and a brief statement substantiating the prospective bidder's position that the Appeal is timely submitted.
- c. The Appeal must then specify in reasonable detail any alleged errors by the District that constitute the basis of the Appeal (*e.g.*, if the prospective bidder received a Notice of Non-Responsive Submittal, then the prospective bidder must provide reasonably detailed information demonstrating that the original Submittal was responsive).
- d. The Appeal must include all facts in support of the Appeal.
- e. The Appeal must include all documentation in support of the Appeal, with all such documentation clearly labeled and referenced throughout the Appeal (*e.g.*, clearly label first document as “Exhibit 1” and reference in footnotes

or in parentheses throughout the text all places where Exhibit 1 is relevant to the prospective bidder's Appeal).

f. The Appeal must include a certification, signed by an authorized representative of the prospective bidder, stating: "The undersigned hereby certifies under penalty of perjury under the laws of the State of California that (a) all information included in this appeal is true and correct, and (b) the undersigned is a duly-authorized representative of the prospective bidder filing this appeal."

g. The Appeal may be submitted electronically or by hard copy. If electronically, the Appeal must be emailed to Tim McCabe at [tmccabe@conejousof.org](mailto:tmccabe@conejousof.org). If by hard copy, the Appeal must be enclosed in a sealed envelope, with the following information on the outside of the envelope: Appeal re: Prequalification Submittal for Conejo Valley Unified School District, Attention: Tim McCabe, Director of Planning and Construction.

h. The Appeal must be delivered to the District no later than the appeals deadline set forth in the Special Instructions (the "**Appeals Deadline**"). Prospective bidders are solely responsible for timely delivery and receipt of the Appeal, regardless of external factors such as traffic, parking issues, weather, lines at the District's reception desk, problems with couriers, or other matters. Prospective bidders are encouraged to deliver their Appeals to the District well in advance of the Appeals Deadline, and to otherwise factor in contingencies (such as traffic, difficulty in finding parking, *etc.*) when arranging for delivery of the Appeals. The District's determination of timeliness shall be conclusive. The District will not consider arguments that the District's method of calculating timeliness is erroneous or flawed (*e.g.*, that the District's clock is inaccurate). If the prospective bidder fails to timely submit an Appeal, then the applicant shall conclusively be deemed to have waived all rights of appeal, whether administrative, judicial or otherwise.

**18. Appeal Review.** The District shall review all Appeals that are submitted before the Appeals Deadline, provided that the Appeal was filed by a prospective bidder with a right of appeal. The District will not review any late Appeals or any Appeals filed by prospective bidders who do not have a right of appeal. The District will not consider irrelevant or superfluous information in its review of Appeals. Appeals should be based upon factual information, not opinion or conjecture.

**19. Appeal Hearings.** If an Appeal hearing is warranted under applicable law, then the District will schedule the hearing at a specified time, date and location within the District. The prospective bidder may request certain times and dates for the hearing on its Appeal, but the District reserves the right to unilaterally schedule the hearing based upon multiple factors, including, but not limited to, the number and complexity of Appeals that the District receives, the timeline for initiating the bid process, the availability of space for hearings, the District's other obligations and any other relevant considerations. Therefore, prospective bidders may wish to ensure that multiple authorized representatives are familiar with the Submittal and the Appeal, and

otherwise able to attend and participate in any hearing. In the event that the prospective bidder cannot appear at the hearing, the District will make a decision about the Appeal solely based upon the written Appeal. Appeal hearings will be informal, but all parties shall conduct themselves in a professional, courteous and respectful manner. The District may establish reasonable time limits and other reasonable rules for any Appeal hearings.

**20. District Decisions regarding Appeals.** The District intends to provide a written notice of its decision regarding the Appeal (the “**Notice of Appeal Decision**”), inclusive of a Notice of Prequalification Status specifying the District’s prequalification determination on or before the appeal decision date set forth in the applicable Special Instructions . The District may provide the prospective bidder with the Notice of Appeal Decision by email at the address included in the Submittal. Compliance with the appeal procedures in these Instructions is a prerequisite to the filing of any claim whatsoever against the District concerning a Submittal or the District’s decision regarding the prospective bidder’s prequalification to bid on the Projects.

**21. Submittals Become District Property.** Upon receipt, all Submittals shall be deemed District property. The District shall not be obligated to return a Submittal or a copy of a Submittal to a prospective bidder. The District will maintain the confidentiality of the Submittals in accordance with applicable law and any pertinent District policy. Notwithstanding the foregoing, the District may destroy or otherwise dispose of a Submittal without prior notice and without any right of recourse to the applicable prospective bidder.

**22. Public Records Act.** The California Public Records Act (Government Code Sections 6250, *et seq.*) provides the public with the right to access governmental records. Upon request, the governmental agency must allow a member of the public to inspect public records or provide copies of the records to the public, unless there is a legal reason for withholding or redacting the documents. Pursuant to PCC Section 20111.6, the answers in the Questionnaire, the Financial Statement and related financial documents included in the Submittal are not public records and are not subject to public inspection or disclosure. The District will keep such information confidential to the extent permitted by law and applicable District policy. However, the contents of the Submittal may be disclosed to third parties for the purpose of verification, investigation of any allegations, and in the process of any administrative or court proceedings. Moreover, PCC Section 20111.6 specifies that the names, addresses and contractor license numbers of contractors and subcontractors applying for prequalification status are public records subject to disclosure.

**23. Ongoing Duty to Provide Accurate, Complete Information.** Submittals must contain accurate, complete information. In no event shall a prospective bidder withhold pertinent information or provide false or misleading information. If any information provided by a prospective bidder becomes inaccurate, false, or misleading, then the prospective bidder must immediately notify the District in writing and provide the accurate information to the District under penalty of perjury (*i.e.*, with a new certification, as set forth in Section I of the Questionnaire).

**24. District’s Right to Verify Documents.** The District expressly reserves the right to examine outside sources when determining whether to prequalify an applicant. For example, the District may conduct Uniform Commercial Code searches, litigation searches, and other

searches of public records; interview past and present project owners, architects, construction managers and similar parties, even if not listed on the prospective bidder's construction project list; and verify financial information with the prospective bidder's independent accountant. Prospective bidders must acknowledge and consent to the District's verification efforts in Section G of the Questionnaire.

**25. Addenda to Prequalification Package.** The District may issue an addendum or addenda to this Prequalification Package. All prospective bidders are responsible for reviewing the District's website to determine whether an addendum or addenda have been issued. Under no circumstances will the District be responsible for informing prospective bidders about any addendum or addenda in any manner beyond posting the applicable documents on the District's website. If the District elects to email or otherwise deliver an addendum to prospective bidders, such action shall not be construed as an agreement by the District to email or otherwise deliver future addenda to prospective bidders. Prospective bidders must acknowledge in their Submittals the receipt of any addenda. In the event that the District issues an addendum less than 72 hours before the Submittal Deadline, the addendum will state an extension of the Submittal Deadline. Prospective bidders are solely responsible for keeping themselves apprised of any addenda, including any extensions of the Submittal Deadline. The District will not grant individual extensions of the Submittal Deadline or permit resubmissions of Submittals to any prospective bidder who failed to review or acknowledge any addenda or failed to independently notice that the Submittal Deadline was extended.

**26. Additional Review of Submittals by District.** The District reserves the right to seek additional information from a prospective bidder at any time, irrespective of whether that prospective bidder has already been prequalified. For example, if the District reasonably determines that information in the prospective bidder's Submittal may be false, inaccurate or misleading, then the District shall have the right to take whatever steps are necessary to rectify the situation, including, but not limited to, the following: (a) request supplemental documentation from the prospective bidder or other relevant parties to ascertain whether the Submittal included false, inaccurate or misleading information; and (b) if material information in the Submittal was false, inaccurate or misleading, then (i) rescind the contractor's or subcontractor's prequalification status, (ii) terminate any agreement with the contractor or subcontractor for cause, and (iii) recover any losses incurred by the District due to the false, inaccurate or misleading information. Furthermore, as stated above, the District's determination that a prospective bidder is prequalified shall not be in lieu of the prospective bidder's compliance with any bid documents for the Projects.

**27. Prequalification Expenses.** The District shall not, under any circumstance, be liable for any prequalification expenses incurred by applicants. Prequalification expenses are defined as any expense incurred by the prospective bidder in: (a) preparing its Submittal; (b) submitting the Submittal to the District; or (c) engaging in any other activity related to the District's determination of the applicant's prequalification status.

**28. No Representations or Warranties.** The District reserves the right, in its sole discretion, to elect to proceed with the Projects as planned, or to suspend, postpone, or cancel the Projects. The District provides no representation, warranty or guarantee that the Projects will proceed as planned or at all. Prospective bidders shall not have any claims whatsoever against the

District regarding any adjustments or modifications to, or any termination of, the District's plans with respect to the Projects.

**29. No Improper Influence of District Board or Staff.** Prospective bidders shall not in any way attempt to influence any member of the Board or any District employee or consultant. The District reserves the right to reject the Submittal of any party that violates this provision or appears to violate this provision, and, at any time, to seek any other remedy available at law or in equity for violation of this provision.

**30. Reservation of Rights.** THE DISTRICT RESERVES THE RIGHT TO WAIVE ANY IRREGULARITY IN A TIMELY SUBMITTAL THAT, IN THE DISTRICT'S SOLE DISCRETION, DOES NOT CONSTITUTE A MATERIAL DEVIATION FROM THE REQUIREMENTS OF THIS PREQUALIFICATION PACKAGE.

**31. Requests for Further Information.** Prospective bidders may request further information about this Prequalification Package by placing their questions in writing and sending them, by email, to Tim McCabe, Director of Planning and Construction, at [tmccabe@conejouisd.org](mailto:tmccabe@conejouisd.org). Prospective bidders shall not communicate with any other District representative (e.g., Board member, superintendent, other administrator, staff person or consultant) about this Prequalification Package. Prospective bidders shall include the following subject line for all questions regarding this package: "Questions regarding Prequalification Package." All questions must be received by the District by the deadline for questions set forth in the applicable Special Instructions. The District reserves the right not to respond to any questions received after this time. Moreover, regardless of when a question is submitted, the District reserves the right to only respond to questions of general relevance. If the District elects not to answer any questions, then such decision shall not be the basis of any Appeal. If the District elects to answer any questions, then the District will issue an addendum with the answer, and, if deemed necessary in the District's sole discretion, extend the Submittal Deadline.

END OF INSTRUCTIONS –  
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**EXHIBIT A**  
**PREQUALIFICATION QUESTIONNAIRE**

# EXHIBIT A - PREQUALIFICATION QUESTIONNAIRE

## SECTION A: CONTRACTOR INFORMATION

*Section A will not be scored. However, the entire section must be completed. If the entire section is not completed, then the contractor will be considered "non-responsive" and will not be scored for prequalification. Note: All information must exactly match the contractor's license in every detail.*

1. Contractor's Name \_\_\_\_\_
  2. Contractor's Physical Address \_\_\_\_\_
  3. Contractor's Mailing Address \_\_\_\_\_
  4. Contractor's Main Telephone Number \_\_\_\_\_
  5. Contractor's Website \_\_\_\_\_
  6. Contact Person #1 \_\_\_\_\_  
 Email Address for Contact Person #1 \_\_\_\_\_  
 Direct Telephone Number for Contact Person #1: \_\_\_\_\_
  7. Contact Person #2 \_\_\_\_\_  
 Email Address for Contact Person #2 \_\_\_\_\_  
 Direct Telephone Number for Contact Person #2 \_\_\_\_\_
  8. Type of Entity (Check one box. This information must correspond with CSLB license.)  
 Corporation                       Partnership               Sole Proprietorship  
 Limited Liability Company       Other: \_\_\_\_\_
  9. Contractor's CSLB License Information (List primary license first)
- | License # | Classification | Date Acquired | Expiration Date | Qualifying Individual |
|-----------|----------------|---------------|-----------------|-----------------------|
|           |                |               |                 |                       |
|           |                |               |                 |                       |
|           |                |               |                 |                       |
|           |                |               |                 |                       |
|           |                |               |                 |                       |
10. Contractor's DIR Registration Number \_\_\_\_\_
  11. Contractor's Tax Identification Number (EIN) \_\_\_\_\_

## SECTION B – ESSENTIAL REQUIREMENTS FOR QUALIFICATION

*Contractor will be immediately disqualified if the answer to any of questions 12 through 17 is “no.”<sup>1</sup>*

*Contractor will be immediately disqualified if the answer to any of questions 18, 19, 20 or 21 is “yes.”<sup>2</sup> If the answer to question 20 is “yes,” and if debarment would be the sole reason for denial of prequalification, any prequalification issued will exclude the debarment period.*

12. Does your firm possess a valid and current California contractor’s license for the project or projects for which you intend to submit a bid?

Yes             No

13. Does your firm possess a valid and current California Department of Industrial Relations (“DIR”) registration number?

Yes             No

14. Does your firm have a comprehensive general liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate? Please attach a certificate of insurance.

NOTE: Higher and/or broader insurance coverage may be required for specific projects.

Yes             No

15. Does your firm have a current worker’s compensation insurance policy as required by the Labor Code or is your firm self-insured pursuant to Labor Code Sections 3700, *et seq.*?

Yes             No             The construction firm is exempt from this requirement because it has no employees

16. Have you attached a copy of your firm’s latest reviewed or audited financial statement with accompanying notes and supplemental information?<sup>3</sup>

NOTE: A FINANCIAL STATEMENT THAT IS NOT EITHER REVIEWED OR AUDITED IS NOT ACCEPTABLE. A LETTER VERIFYING AVAILABILITY OF A

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<sup>1</sup> A “no” answer to question 16 will not be disqualifying if the contractor is exempt from complying with question 16, for reasons explained in footnote 3.

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 18, 19, or 21 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> PCC Section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code Section 14837(d)(1), if the bid is “no more than 25% of the qualifying amount provided in Section 14837(d)(1).” Currently, the qualifying amount is \$10 million. Therefore, 25% of that amount is \$2.5 million. However, commencing January 1, 2019, the qualifying amount will be \$15 million. Consequently, starting January 1, 2019, the 25% amount will be \$3.75 million.

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.

Yes       No

17. 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 that: (a) your current bonding capacity is sufficient for the project for which you seek prequalification, if you are seeking prequalification for a single project, or (b) your current available bonding capacity, if you are seeking prequalification valid for a year?<sup>4</sup>

NOTE: NOTARIZED STATEMENT MUST BE FROM THE SURETY COMPANY, NOT AN AGENT OR A BROKER.

Yes       No

18. At any time during the last five years, have any of your contractor's licenses been revoked?

Yes       No

19. At any time during the last five years, has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner?

Yes       No

20. At the time of submitting this prequalification application, 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, or is it reasonably foreseeable that your firm may be ineligible to bid on or be awarded a public works contract within the next year?

Yes       No

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

\_\_\_\_\_

21. 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, or is your firm or any of its owners or officers currently in the process of being prosecuted for such a crime?

Yes       No

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<sup>4</sup> An additional notarized statement from the surety may be requested by the District at the time of submission of a bid.

**SECTION C: ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE,  
COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

**Section C-1: Current Organization and Structure of Business**

22. Please complete the appropriate section and related table(s). For example, if contractor is a corporation, complete question 22(a) and Tables A-1 and A-2.

a. Complete this section if contractor is a corporation.

- i. What date was the corporation incorporated? \_\_\_\_\_
- ii. Under the laws of which state? \_\_\_\_\_
- iii. Complete Table A-1 below for each person who is a president, vice president, secretary, treasurer or other officer of the corporation *or* the owner of 10% or more of the corporation.
- iv. Complete Table A-2 for each person identified in (iii) above who was an officer *or* owner of 10% or more of any other construction firm at any time during the last five years. If none, write “not applicable.”

b. Complete this section if the contractor is a partnership.

- i. What date was the partnership formed? \_\_\_\_\_
- ii. Under the laws of which state? \_\_\_\_\_
- iii. Complete Table A-1 below for each person who owns 10% or more of the partnership.
- iv. Complete Table A-2 below for each person identified in (iii) above who was an officer or an owner of 10% or more of any other construction firm at any time during the last five years. If none, write “not applicable.”

c. Complete this section if the contractor is a limited liability company.

- i. What date was the LLC formed? \_\_\_\_\_
- ii. Under the laws of which state? \_\_\_\_\_
- iii. Complete Table A-1 below for each member of the LLC and each person who owns 10% or more of the LLC.
- iv. Complete Table A-2 for each person identified in (iii) above who was an officer or an owner of 10% or more of any other construction firm at any time during the last five years. If none, write “not applicable.”

d. **Complete this section if the contractor is a sole proprietorship.**

- i. On what date did the business commence? \_\_\_\_\_
- ii. State(s) in which business has operated? \_\_\_\_\_
- iii. Social security number of company owner? \_\_\_\_\_

- iv. Complete Table A-3 below to indicate every other construction firm in which you have been an officer or an owner of 10% or more of the business at any time during the last five years. If none, write “not applicable.”
- e. Complete this section if the contractor intends to bid as part of a joint venture.
  - i. On what date did the joint venture commence? \_\_\_\_\_
  - ii. What is the name of the firm, if any, that is the primary managing entity for the joint venture (exactly as it appears on the CSLB license)? \_\_\_\_\_
  - iii. Please list all joint venture members’ names (as the name appears on the joint venture member’s CSLB license), license number and percentage interest in the joint venture. EACH JOINT VENTURE MEMBER MUST INDIVIDUALLY SUBMIT PREQUALIFICATION DOCUMENTS AND PREQUALIFY.

Name	License Number	% interest

23. In what type of construction does your firm specialize? \_\_\_\_\_

Question not scored.

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

Yes       No

If “yes,” explain on a separate signed page.

Yes with inadequate explanation = 0 points. Yes with adequate explanation = 3 points. No = 5 points.  
NOTE: District can subtract points or disqualify applicant if there are issues with the affiliate firm.

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

Yes       No

If “yes,” explain on a separate signed page.

Yes with inadequate explanation = 0 points. Yes with adequate explanation = 3 points. No = 5 points.  
NOTE: District can subtract points or disqualify applicant if there are issues with the affiliate firm.



**Section C-2: History of the Business and Organizational Performance**

26. How many years has your firm been in business in California as a contractor under your present business name and license number? \_\_\_\_\_

> 6 years = 5 points. 5 years = 4 points. 4 years = 3 points. 3 years = 2 points. 2 years or less = 0 points

27. How many years of experience does your firm have in construction?

As a general contractor: \_\_\_\_\_ As a subcontractor: \_\_\_\_\_

> 6 years = 5 points. 5 years = 4 points. 4 years = 3 points. 3 years = 2 points. 2 years or less = 0 points

28. At any time during the last five years, has there been any change in ownership of the firm?  
NOTE: A corporation whose shares are publicly traded should mark the “not applicable” box.

Yes       No       Not applicable (corporation’s shares publicly traded)

If “yes,” explain on a separate signed page.

Yes = 0 points. No or not applicable = 5 points.

**Section C-3: Licenses**

29. At any time during the last five years, has your firm changed names or license numbers?

Yes       No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

30. Has any owner, partner or officer of your firm operated a construction firm under any other name at any time during the last five years?

Yes       No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

31. At any time during the last five years, has any CSLB license held by your firm or its responsible managing employee (RME) or responsible managing officer (RMO) been suspended or revoked?

Yes       No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.



32. At any time during the last five years, have any other officers or principals of the firm had their licenses suspended or revoked?

Yes       No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

### **Section C-4: Disputes**

33. At any time during the last five years, has your firm been assessed 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, amount of liquidated damages paid, and all other information necessary to fully explain the assessment of liquidated damages.

No projects with liquidated damages of more than \$50,000 = 5 points.  
One or two projects with liquidated damages of more than \$50,000 = 3 points.  
Any other answer = 0 points.

34. At any time during 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 governmental agency or public works project for any reason?

NOTE: “Associated with” refers to another construction firm in which an owner, partner, or officer of your firm held a similar position, and which is listed in response to questions 22 or 25, above.

Yes       No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for prequalification through this application, 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.

Yes = 0 points. No = 5 points.

35. At any time during 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.

Yes = 0 points. No = 5 points.

36. At any time during the last 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. Identify 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 the resolution of such claim if resolved, the method by which such claim was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

No or Yes indicating only 1 claim = 5 points.  
Yes indicating 2 claims = 3 points  
Yes indicating 3 or more claims = Subtract 5 points.

37. At any time during 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.

No or Yes indicating only 1 claim = 5 points.  
Yes indicating 2 claims = 3 points  
Yes indicating 3 or more claims = 0 points.

38. At any time during the last five years, has your firm had any stop notices filed against it under its current license number or any other license number used by the firm or any of its owners, officers or partners?

Yes       No

If "yes," explain on a separate signed page. Provide the date the stop notices were filed, the name of the project, the name of the project owner, the name of the firm or person who filed the notice, why the notice was filed and how the matter was resolved.

Yes = 0 points. No = 5 points.

39. At any time, has your firm or any of its owners, officers or partners, ever failed to complete a contract for a private or public owner?

Yes       No

If "yes," explain on a separate signed page. Provide the owner's name, project description, project dates, a summary of your portion of the contract, a summary of what portion of the project you did not complete, an explanation of why the project was not completed and how the matter was resolved.

Yes = 0 points. No = 5 points.

40. At any time, has your firm or any of its owners, officers or partners ever failed to complete a contract within the original contract time?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, a summary of your portion of the contract, the original contract completion date, the actual contract completion date, an explanation of why the project was not completed on time and how the matter was resolved.

Yes = 0 points. No = 5 points.

41. At any time during the last five years, has your firm filed a request to withdraw or be released from a public agency bid?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, and an explanation of why your firm asked to withdraw or be released from the bid.

Yes = 0 points. No = 5 points.

42. At any time during the last five years, was your firm placed on notice, penalized or assessed damages for improperly substituting a subcontractor while working on a public project?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, an explanation of the subcontractor substitution issue and how this matter was resolved.

Yes = 0 points. No = 5 points.

43. At any time during the last five years, has anyone protested a bid that you submitted to a public agency that resulted in the rejection of your bid or all bids?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, an explanation of the protest and a summary of the protest decision issued by the public agency. Please attach a copy of the protest decision.

Yes = 0 points. No = 5 points.

44. At any time during the last five years, has your firm protested a bid that another party submitted to a public agency that did not result in the rejection of that bid or all bids?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, an explanation of the protest and a summary of the protest decision issued by the public agency. Please attach a copy of the protest decision.

Yes = 0 points. No = 5 points.

45. At any time during the last five years, has your firm, or any of its owners, officers or partners, received a deviation notice issued by a Division of State Architect inspector on a public project or a citation by any local governmental authority, such as a county inspector, on a public or private project?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, an explanation of the deviation notice or citation, and a summary of how this matter was resolved.

Yes = 0 points. No = 5 points.

46. At any time during the last five years, has a court, arbitrator, mediator or any other official tribunal or dispute resolution facilitatory found that your firm was liable for construction defects and that decision was not overturned on appeal, or is your firm currently involved in a dispute involving allegations that your firm is responsible for construction defects?

Yes       No

If “yes,” explain on a separate signed page. Provide the owner’s name, project description, project dates, an explanation of the construction defect issue and a summary of how this matter was resolved. Please attach a copy of any final decisions in the case(s).

Yes = 0 points. No = 5 points.

***Questions 47 to 49 refer only to disputes between your firm and the project owner. You do not need to include information about disputes between your firm and a supplier, another contractor or a subcontractor, or “passthrough” disputes in which the actual dispute is between a subcontractor and project owner (unless your firm was the subcontractor). Also, you may omit reference to all disputes about amounts totaling less than \$50,000.***

47. At any time during the last five years, has any claim against your firm concerning your firm’s work on a construction project been filed in court, arbitration, mediation, or other dispute resolution proceeding of any kind?

Yes       No

If “yes,” explain on a separate signed page. 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 or other venue 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).

No or yes with 1 dispute = 5 points.  
Yes with 2 disputes = 3 points.  
Yes with 3 to 4 disputes = 0 points.  
Yes with any major disputes or more than 5 disputes = subtract 5 points. .

48. At any time during the last 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, arbitration, mediation, or other dispute resolution proceeding of any kind?

Yes       No

If “yes,” explain on a separate signed page. 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).

No or yes with 1 dispute = 5 points.  
Yes with 2 disputes = 3 points.  
Yes with 3 to 4 disputes = 0 points.  
Yes with any major disputes or more than 5 disputes = subtract 5 points.

49. Do you have any knowledge that any claim may be filed against your firm or by your firm at any time within the next two years in court, arbitration, mediation or other dispute resolution proceeding of any kind in relation to your firm’s work on a construction project (e.g., the quality of the work, the completion of the work, payment for the work, *etc.*)?

Yes       No

If “yes,” explain on a separate signed page. Identify the claim by providing the project name, the name of the entity (or entities) that are the project owners, and a brief description of the nature of the dispute.

Yes = 0 points. No = 5 points.

### **Section C-5: Criminal Matters and Related Civil Suits**

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

Yes       No

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

Yes = subtract 5 points. No = 5 points.

51. 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. Identify who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

Yes = subtract 5 points. No = 5 points.

52. 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,” explain on a separate signed page. Identify the person or persons convicted, the court (the county if a state court and the district or location if a federal court), the year, and the criminal conduct.

Yes = subtract 5 points. No = 5 points.

**SECTION D: FINANCIAL INFORMATION AND BONDING CAPACITY**

**Section D-1: Financials, Banking, Bankruptcy and Creditor Assignments**

*Questions 53 to 58 and 66 are not scored but must be completed. These items will be carefully reviewed to determine the contractor’s eligibility for prequalification.*

53. Provide the requested information regarding your firm’s accountant.

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

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

Contact Person (Name and Title): \_\_\_\_\_

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

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

Number of years firm has prepared your financial statements: \_\_\_\_\_

Number of years firm has prepared your tax returns: \_\_\_\_\_

Number of years firm has prepared your year-end statements: \_\_\_\_\_

If your firm’s current accountant has been preparing statements and returns for your firm for less than two years, please list the name, address and telephone number of your firm’s prior accountant. If not applicable, write “n/a.” \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

54. State your firm's gross revenues for each of the last three years and list the average.

<u>Year</u>	<u>Amount</u>
<u>Average Over Last 3 Years</u>	

55. Attach your firm's reviewed or audited financial statement for the most recent fiscal year, with accompanying notes and supplemental information.

NOTE: The CPA must be an independent party and not an employee of the contractor. The letter must be certified to be free of any knowingly false, fictitious or fraudulent information and signed by a partner in the CPA firm as well as by the construction firm's president, chief executive officer or chief financial officer. The letter must include the CPA's license number. See Exhibits B-1 and B-2.

56. In the space below, indicate the basis for the preparation of the statements referenced in question 55, above.

Financial Statements

- Cash
- Completed contracts
- Simple accrual
- % of completion

Tax Returns

- Cash
- Completed contracts
- Simple accrual
- % of completion

57. Please complete the following table for your firm's bank. You may list the last four digits of the account number.

<u>Bank Name</u>	<u>Address</u>	<u>Telephone #</u>	<u>Account #</u>

58. Please provide the following information regarding your firm’s line(s) of credit. Attach a letter from your firm’s bank confirming the lines of credit. The letter should be on the bank’s letterhead and include the language and provisions in the sample General Letter of Credit Form attached as Exhibit C. Please note that the form may be used by your bank to augment your working capital.

<u>Total Amount</u>	<u>Amount in Use</u>	<u>Type of Security</u>	<u>Expiration Date</u>

59. Is your firm currently the debtor in a bankruptcy case, whether voluntary or involuntary, or is your firm currently in the process of assigning any or all of its assets for the benefit of any creditor?

Yes       No

If “yes,” attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, or summarize the assignment amount and process, as applicable.

60. At any time during the last five years, was your firm the debtor in a bankruptcy case, whether voluntary or involuntary, or did your firm assign any or all of its assets for the benefit of any creditor? (This question refers only to a bankruptcy action that was not described in the answer to question 59, above.)

Yes       No

If “yes,” 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, or provide a summary of assignment amount and process, as applicable.

61. Do you have any knowledge that your company may be the debtor in any voluntary or involuntary bankruptcy proceeding at any time within the next three years, or is your company investigating the possibility of assigning any or all of its assets for the benefit of any creditor or intending to initiate such an assignment? (This question refers only to a bankruptcy action that was not described in the answer to questions 59 or 60, above.)

Yes       No

If “yes,” explain on a separate signed page.



62. At any time during the last five years, has your firm or any firm with which any of your firm’s owners, partners or officers are associated, received a notice of suspension or forfeiture from the California Secretary of State or the Franchise Tax Board?

Yes       No

If “yes,” explain on a separate signed page.

63. At any time during the last ten years, has your firm received a notice of tax lien from the Internal Revenue Service or the State of California, including, but not limited to, the Employment Development Department; get assessed penalties for failure to properly pay or withhold taxes; become the subject of a state or federal notice of tax levy; or otherwise fail to properly pay or withhold state or federal taxes?

Yes       No

If “yes,” explain on a separate signed page.

64. Are there currently any outstanding judgment liens against your firm or any of its property (*i.e.*, a lien created when someone wins a lawsuit against you and records the judgment against your property) or anticipated to be filed against your firm?

Yes       No

If “yes,” explain on a separate signed page.

65. At any time during the last five years, was your firm the subject of any effort to collect delinquent debt in excess of \$100,000?

Yes       No

If “yes,” explain on a separate signed page.

**Section D-2: Bonding Information**

66. Provide current surety information for your firm.

Name of bonding company/surety: \_\_\_\_\_

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

Telephone number: \_\_\_\_\_

Email address of surety agent: \_\_\_\_\_

Your current bonding capacity: \_\_\_\_\_

67. If, at any time during the last five years, any surety other than the one listed in question 66, above, has issued any performance bonds or payment bonds on behalf of your construction firm, please list the company, its address and telephone number, the dates during which each company wrote the bonds, and the amount of the bonds. Start with the most recent surety company. Include additional pages if necessary.

<u>Surety Name</u>	<u>Address and Telephone #</u>	<u>Dates</u>	<u>Amount</u>

No surety listed = 5 points. 1 surety listed = 3 points. Any other answer = 0 points.

68. At any time 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,” explain on a separate signed page. Provide details 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.

Yes = 0 points. No = 5 points.

69. During the last five years, has your firm been required to pay a premium of more than 1% for a performance bond or payment bond on any project(s) on which your firm worked?

Yes       No

If “yes,” explain on a separate signed page. Identify the amount the firm was required to pay and provide an explanation for the percentage rate higher than 1% if you wish to do so.

No = 5 points.  
 Yes and no higher than 1.1% = 3 points.  
 Yes and higher than 1.1% = 0 points.

70. Attach a notarized statement from the surety that would issue performance and payment bonds on behalf of your construction firm if the District awarded you a contract for the Project(s). The statement must include the name of the surety; the name, address, telephone number and email address of the surety agent; and a statement of your current bonding capacity. The statement must be from the surety, and not from a broker, agent or other representative of the surety. The surety must be an admitted insurer authorized by the California Department of Insurance to conduct business and issue bonds in California and must have an A.M. Best Key Rating Guide Rating of A- or better.

**SECTION E: COMPLIANCE WITH OCCUPATIONAL SAFETY, WORKERS' COMPENSATION; PREVAILING WAGE AND OTHER LABOR LAWS**

**Section E-1: Safety and Health**

71. At any time during the last five years, has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations?

Yes       No

If "yes," explain on a separate signed page. Describe the citations, including information about the dates of the citations, the nature of the violation(s), the project on which the citations were issued, and the amount of penalty assessed, if any. Please indicate if the citations were appealed to the Occupational Safety and Health Appeals Board and whether a decision has been issued, and if a decision has been issued, please state the case number, date of decision and outcome of the appeal. Please attach a true and correct copy of any appeal decision.

No or Yes indicating 1 instance = 5 points.  
Yes indicating 2 instances = 3 points.  
Yes indicating 3 instances = 0 points.  
Yes indicating 4 or more instances or any major instances = subtract 5 points.

72. At any time during the last five years, has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm?

Yes       No

If "yes," explain on a separate signed page. Describe the citations, including information about the dates of the citations, the nature of the violation(s), the project on which the citations were issued, and the amount of penalty assessed. Please indicate if the citations were appealed and whether a decision has been issued, and if a decision has been issued, please state the case number, date of decision and outcome of the appeal. Please attach a true and correct copy of any appeal decision.

No or Yes indicating 1 instance = 5 points.  
Yes indicating 2 instances = 3 points.  
Yes indicating 3 instances = 0 points.  
Yes indicating 4 or more instances or any major instances = subtract 5 points.

73. Please provide the following information.

- a. List your Bureau of Labor Statistics and OSHA industry category (e.g., construction heating and ventilation): \_\_\_\_\_
- b. List your firm's NAICS number: \_\_\_\_\_
- c. Using data from your firm's OSHA 300 log for calendar year 2019 and calendar year 2018, complete the following table. The District reserves the right to review the OSHA logs and any related documents.

<u>OSHA Log Information</u>	<u>CY 2019</u>	<u>CY 2018</u>	<u>Average</u>
Total # of fatalities			
Total # of cases with days away from work			
Total # of cases with job transfer or restriction			
Total # of other recordable cases			
Total recordable case rate			
DART incidence rate			

Average numbers are below comparables = 5 points.  
 Average numbers are equal or about equal to comparables = 3 points.  
 Average numbers above comparables = 0 points.

74. At any time during the last five years, 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?

- Yes       No

If "yes," explain on a separate signed page. Describe the citations, including the dates of the citations, nature of the violations, project on which the citations were issued, and amount of penalty assessed. Please indicate if the citations were appealed and whether a decision has been issued, and if a decision has been issued, please state the case number, date of decision and outcome of the appeal. Please attach a true and correct copy of any appeal decision.

No or Yes indicating 1 instance = 5 points.  
 Yes indicating 2 instances = 3 points.  
 Yes indicating 3 instances = 0 points.  
 Yes indicating 4 or more instances or any major instances = subtract 5 points.

75. Does your firm currently have a safety plan that complies with the current OSHA standards?

- Yes       No

If "yes," explain on a separate signed page. You may attach the plan or summarize the plan. The District reserves the right to request a copy of the plan, if not attached with the prequalification application.

Yes = 5 points. No = 0 points.

76. How often does your construction firm require documented safety meetings to be held for construction employees and field supervisors during the course of a project (e.g., daily, weekly, once every two weeks, etc.)? \_\_\_\_\_

≥ daily = 5 points.  < daily to ≥ weekly = 3 points.  < weekly = 0 points.

77. During the course of a project, how often does your firm require a safety manager to inspect the project site (e.g., daily, weekly, once every two weeks, etc.)? \_\_\_\_\_

≥ daily = 5 points.  < daily to ≥ weekly = 3 points.  < weekly = 0 points.

78. At any time during the last five years, has any public agency found that your firm violated its site safety and health program?

Yes  No

If “yes,” explain on a separate signed page.

Yes = 0 points.  No = 5 points.

79. At any time during the last five years, has any public agency found that your firm violated its drug-free workplace or alcohol and tobacco policy (Gov. Code Sections 8350, et seq.)?

Yes  No

If “yes,” explain on a separate signed page.

Yes = 0 points.  No = 5 points.

80. At any time during the last five years, has any school district or county office of education found that your firm failed to properly take the precautionary measures designed to ensure the safety of students (e.g., ensuring that contractors/subcontractors passed applicable background checks; installing and maintaining barricaded work areas; providing for continual supervision and monitoring of all contractor employees (see, e.g., Ed. Code Sections 45125.1 and 45125.2))?

Yes  No

If “yes,” explain on a separate signed page.

Yes = 0 points.  No = 5 points.

81. At any time during 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,” explain on a separate signed page. Provide the uninsured dates and the reason for the absence of insurance. 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.)

Yes = 0 points. No = 5 points.

82. List your firm's experience modification rate (EMR) (California workers' compensation insurance) for each of the past three premium years, then calculate the average over the last three years. **NOTE:** The EMR is issued to your firm annually by your workers' compensation insurance carrier.

<u>Year</u>	<u>EMR</u>
<u>Average over 3 years</u>	

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

For EMR average:  $\leq .95 = 5$  points.  $> .95$  and  $\leq 1.0 = 3$  points.  $> 1.0 = 0$  points.

**Section E-2: Prevailing Wage Laws**

83. 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 firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by your subcontractors.

Yes       No

If "yes," explain on a separate signed page. Describe 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 your firm was required to pay.

No = 5 points.  
 Yes indicating 2 instances = 3 points.  
 Yes indicating 3 or instances, or any major instances = 0 points.

84. 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 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.

No = 5 points.  
Yes indicating 2 instances = 3 points.  
Yes indicating 3 or instances, or any major instances = 0 points.

### **Section E-3: Apprenticeship Record**

85. Has your firm designated an apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the District?

Yes       No

If yes, attach a separate signed page providing the following information regarding the apprenticeship program(s): the firm name, address, main telephone number, contact person, contact person's telephone number and contact person's email address.

Yes with at least 1 approved apprenticeship program listed = 5 points.  
Any other answer = 0 points.

86. Does your firm operate its own state-approved apprenticeship program?

Yes       No

If "yes," attach a separate signed page that (a) identifies the craft or crafts in which your firm provided apprenticeship training in the past year, (b) states the year in which each such apprenticeship program was approved, and (c) states the number of individuals who were employed by your firm as apprentices at any time during the last three years in each apprenticeship and (d) the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm. Please also attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

Yes with at least 1 person completing approved apprenticeship program = 5 points.  
Any other answer = 0 points.

87. 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," explain on a separate signed page. Provide the date of the findings, the name of the project, the public agency involved, a brief description of the violations. Attach a true and correct copy of the Department's final decision(s).

No = 5 points.  
Yes indicating 1 to 2 instances = 3 points.  
Yes indicating 3 to 4 instances = 0 points.  
Yes indicating 5 or more instances = subtract 5 points.

**Section E-4: Other Labor Law Compliance**

**88.** At any time during the last five years, has your firm been assessed any penalties for violations of federal or state labor laws/regulations?

Yes             No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

**89.** Is your firm currently under investigation by any agency regarding violations of State labor law, the California Business and Professions Code, or State licensing laws?

Yes             No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

**90.** At any time during the last five years, has your firm been the subject of any lawsuits, arbitration or mediation proceedings, liens, or surety claims regarding your nonpayment of subcontractors?

Yes             No

If “yes,” explain on a separate signed page.

Yes = 0 points. No = 5 points.

*[remainder of page intentionally left blank –  
please complete sections f through i, and any required exhibits, below]*



## **Section F: List of Construction Projects**

Applicants must submit a list of certain construction projects with their prequalification submittal. When submitting the list, applicants must follow the following rules.

1. Using the forms provided, please provide information about (a) your ten most recently completed public works projects, (b) any and all public works projects currently in progress, including projects which have not yet started but for which you have been awarded the bid, (c) all public works projects within the last ten years that involved a mediation, arbitration, lawsuit or other dispute resolution proceeding, including any current projects that involve such proceedings or are likely to involve such proceedings, and (d) your three largest completed private projects within the last five years.

2. You must indicate which category(ies) are applicable to the listed projects. You must mark all applicable categories. For example, if a project falls into the “ten most recently completed public works projects” category and the “all public works projects within the last ten years that involved a mediation, arbitration, lawsuit or other dispute resolution proceeding” category, then you must check both boxes on the form.

3. If you were the prime contractor or general contractor on the project, use Form 1. If you were the subcontractor on the project, use Form 2. Please make copies of the appropriate form and use one form per project. All information must be completed, and all names and contact information must be current.

4. You must fully disclose all requested information. If you have withheld any responsive information, please clearly indicate on Form 3 the type of information that has been withheld and the basis for withholding the information. For example, if your firm does not work on private projects, then you must clearly indicate the purposeful omission on Form 3.

5. Applicants are required to keep this construction project list up to date for the full length of the prequalification process and throughout the prequalification period. Failure to do so may result in disqualification of the applicant, revocation of the prequalification status and/or termination of any contracts with the District.

6. Please note that the District intends to verify the information provided in this Section F, and to interview at least two contacts listed in this Section F. The interviews will be scored as set forth in Exhibit “D.”

7. Applicants are not required to take any action with respect to potential interviews. District interviewers may ask the interviewees whether prequalification applicants contacted them in advance of the interviews and attempted to influence their answers. Applicants may be disqualified if the District determines, in its sole discretion, that the applicants attempted to influence any interviewees.

**FORM 1 – GENERAL CONTRACTORS OR PRIME CONTRACTORS PROJECTS**

*Use this form for all projects in which you were the general or prime contractor. Make copies of this page and fill out one information sheet per contract. Names and references must be current and verifiable.*

This form is submitted to satisfy which category? (Please check all applicable boxes.)

- 10 most recent completed public works projects       Current public works project  
 Public works project involving dispute               3 largest completed private projects

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

Project Owner: \_\_\_\_\_

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

Contact Person (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

Architect or Engineer Firm: \_\_\_\_\_

Architect or Engineer Address: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

Construction Manager Firm: \_\_\_\_\_

Construction Manager's Address: \_\_\_\_\_

Contact Person's (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_

Description of Contractor's Scope of Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Original Contract Amount: \$ \_\_\_\_\_

Final Contract Amount: \$ \_\_\_\_\_

Project Start Date: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

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

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

**FORM 2 – SUBCONTRACTOR PROJECTS**

*Use this form for all projects in which you were the subcontractor. Make copies of this page and fill out one information sheet per contract. Names and references must be current and verifiable.*

This form is submitted to satisfy which category? (Please check all applicable boxes.)

- 10 most recent completed public works projects       Current public works project  
 Public works project involving dispute               3 largest completed private projects

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

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

Project Owner: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

General Contractor: \_\_\_\_\_

General Contractor's Address: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

Construction Manager Firm (if known): \_\_\_\_\_

Construction Manager's Address: \_\_\_\_\_

Contact Person (Name and Title): \_\_\_\_\_

Contact Person's Current Telephone Number: \_\_\_\_\_

Contact Person's Current Email Address: \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of Subcontractor's Scope of Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Original Subcontract Amount: \$ \_\_\_\_\_

Final Subcontract Amount: \$ \_\_\_\_\_

Project Start Date: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

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

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

**FORM 3 – INAPPLICABLE PROJECT CATEGORIES**

Using Form 1 or Form 2, as applicable, you were required to submit information for the following categories of projects: (a) your ten most recently completed public works projects, (b) any and all public works projects currently in progress, including projects which have not yet started but for which you have been awarded the bid, (c) all public works projects within the last ten years that involved a mediation, arbitration, lawsuit or other dispute resolution proceeding, including any current projects that involve such proceedings or are likely to involve such proceedings, and (d) your three largest completed private projects within the last five years. Use this form to indicate that you purposefully did not list a certain category or certain categories of projects. For example, if your firm only works on public works projects, you would indicate below that you purposefully omitted category (d) (3 largest completed private projects). Attach additional pages if necessary.

Applicant's Name: \_\_\_\_\_

Explanation regarding category (a) (10 most recently completed public works projects): \_\_\_\_\_

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Explanation regarding category (b) (current public works projects): \_\_\_\_\_

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Explanation regarding category (c) (public works projects involving dispute): \_\_\_\_\_

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Explanation regarding category (d) (3 largest private projects): \_\_\_\_\_

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Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section G: Authorizations**

I, the undersigned, certify and declare that:

1. Accountant Release/Authorization: I authorize Conejo Valley Unified School District or its duly-authorized representative (the “District”) to contact the below-referenced contractor’s (the “Contractor’s) licensed accounting firm to verify the audited or reviewed financial statement submitted with the Contractor’s prequalification application. I understand that the financial statement is confidential information and not subject to public inspection.

2. Present and Past Project Interviews: I further hereby authorize the District to contact any project owner, school district, public agency, general contractor, subcontractor, architect, construction manager or other party that the District, in its sole discretion, desires to interview for the purposes of verifying or further evaluating the Contractor’s prequalification submittal, and understand that I have provided the information set forth in Section F in part for this purpose.

3. Public Information: I acknowledge and consent to the District’s search of public records, including, but not limited to, the Secretary of State records, Franchise Tax Board records, UCC records, state and federal court records, in order to verify information provided in the Contractor’s prequalification submittal.

\_\_\_\_\_  
Name of Contractor (as it appears on CSLB license)

\_\_\_\_\_  
Printed Name and Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

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

\_\_\_\_\_  
City and State where Signed

**Section H: Addenda**

The applicant acknowledges that it has received and examined any and all addenda issued in relation to this Prequalification Package and is thoroughly familiar with all contents thereof by entering the applicable addendum number in the space provided below:

Addendum Nos. \_\_\_\_\_

**Section I: Oath**

I, the undersigned, certify and declare that:

(a) I am a duly authorized representative of the below-referenced contractor (the “Contractor”) submitting this Prequalification Submittal to the District;

(b) on behalf of the Contractor, I have read all the foregoing answers to this Prequalification Submittal and am knowledgeable about their contents, including, but not limited to, the information set forth in the Prequalification Questionnaire and all attachments thereto;

(c) the matters stated in the Prequalification Questionnaire and the attachments are true and complete to the best of my knowledge, and in the event that any information provided in the Prequalification Questionnaire becomes or is determined to be in any manner inaccurate, false or misleading, the Contractor shall immediately notify the District and provide updated, accurate information in writing and under penalty of perjury. I expressly acknowledge and understand that the Contractor’s prequalification status may be revoked, amended, delayed, terminated or otherwise altered based upon the need for and/or review of the supplemental information.

I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

\_\_\_\_\_  
Name of Contractor (as it appears on CSLB license)

\_\_\_\_\_  
Printed Name and Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

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

\_\_\_\_\_  
City and State where Signed

**EXHIBIT B-1  
CERTIFICATE OF ACCOUNTANT**

**THE CERTIFICATE OF A LICENSED ACCOUNTANT WILL BE REQUIRED IN ALL CASES.**

For an audit of the contractor's financial statement, complete this certificate.

STATE OF \_\_\_\_\_ .

We have examined the financial statement of \_\_\_\_\_  
as of \_\_\_\_\_. Our examination was made in accordance with generally  
accepted auditing standards, and accordingly included such tests of the accounting records and such  
other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying financial statement included on pages \_\_\_\_ to\_\_\_\_, inclusive, sets  
forth fairly the financial condition of \_\_\_\_\_  
as of \_\_\_\_\_, in conformity with generally accepted accounting principles.

\_\_\_\_\_  
Firm Name, printed

\_\_\_\_\_  
Accountant Must Sign Here

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
License Number

**EXHIBIT B-2  
CERTIFICATE OF ACCOUNTANT**

For a review of the contractor's financial statement, complete this certificate.

I/We have reviewed the accompanying financial statement of \_\_\_\_\_  
as of \_\_\_\_\_. The information included in the financial statement is the representation of  
the management of the above firm.

Based on my (our) review, with the exception of the matter(s) described in the following paragraph(s),  
I am (we are) not aware of any material modifications that should be made to the accompanying  
financial statement in order for it to be in conformity with generally accepted accounting principles.

**NOTE:** THIS REVIEW CONSISTS PRINCIPALLY OF INQUIRIES OF MANAGEMENT AND  
APPROPRIATE ANALYTICAL PROCEDURES APPLIED TO THIS FINANCIAL DATA. IT IS  
SUBSTANTIALLY LESS IN SCOPE THAN AN EXAMINATION IN ACCORDANCE WITH  
GENERALLY ACCEPTED AUDITING STANDARDS, THE OBJECTIVE OF WHICH IS THE  
EXPRESSION OF AN OPINION REGARDING THE FINANCIAL STATEMENTS TAKEN AS  
A WHOLE. ACCORDINGLY, WE HAVE NOT EXPRESSED SUCH AN OPINION.

\_\_\_\_\_  
Firm Name, printed

\_\_\_\_\_  
Accountant Must Sign Here

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
License Number

**SPECIAL NOTE TO ACCOUNTANT:**

The above Certificate of Accountant shall not be made by an individual who is in the regular employ  
of the individual, partnership or corporation submitting the statement, nor by any individual who is a  
member of the firm with more than 10 percent financial interest.



**EXHIBIT C**

**GENERAL LETTER OF CREDIT**

TO: Conejo Valley Unified School District  
Planning and Facilities Department  
750 Mitchell Road  
Newbury Park, CA 91320

ATTENTION: Tim McCabe, Director, Planning and Construction

SUBJECT: General Letter of Credit

Reference is made to the prequalification of

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(Name of Contractor)

Under Rules of the Board of Education of Conejo Valley Unified School District (the "District") pertaining to the construction, alteration, renovation and/or maintenance of District facilities, we certify that the above-referenced Contractor has been extended an unqualified line of credit in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) and that such credit will not be withdrawn or reduced without 30 days' written notice provided by this bank to the District.

It is understood that this letter of credit is to be used by the District solely for determining the financial resources of the said Contractor during the term of the Contractor's prequalification with the District.

\_\_\_\_\_  
Name of Bank

Bank No. Code: \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**EXHIBIT D**  
**SCORED INTERVIEW QUESTIONS**

Applicants are not required to take any action with respect to potential interviews. District interviewers may ask the interviewees whether applicants contacted them in advance of the interviews and attempted to influence their answers. The below interview questions are provided to applicants for informational purposes only. The highest possible score for a single project is 150 points. The District will average the scores for each interview. An average score of less than 90 points will disqualify an applicant.

## **Contractor – Scored Interview Questions**

1. Relationships – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Relationship with owner (5 points maximum);
- b. Relationship with design team (5 points maximum);
- c. Relationship with inspectors (5 points maximum); and
- d. Relationship with other contractors/subcontractors (5 points maximum).

2. Quality Control – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Provision of experienced supervisors (5 points maximum);
- b. Adequate staffing of the project (5 points maximum);
- c. Provision of sufficient equipment to perform the work in a timely manner (5 points maximum);
- d. Required supervision from owner or owner’s agent(s) (5 points for minimal supervision to 0 points for excessive supervision required);
- e. Workmanship (5 points maximum);
- f. Installation (5 points maximum); and
- g. Coordination of subcontractors (5 points maximum).

3. Schedule Control – On a scale of 1 to 5, please rate the contractor’s performance regarding the following:

- a. Maintaining and managing the project schedule (with 5 being the best level of performance); and
- b. Delays directly caused by contractor and not substantially caused by other contractors, the public agency or acts beyond the contractor’s control (5 points for no delays directly caused by contractor and 0 points for multiple delays caused directly by contractor).<sup>5</sup>

4. Cost Control – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Maintaining the project budget; and
- b. Managing cost overruns effectively.

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<sup>5</sup> See Business & Professions Code Section 7119 (regarding contractor’s obligation to show due diligence in completing contracted work and stating that failure to do so gives CSLB cause to take disciplinary action against a license).

5. Communication – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Clarity of communication, including in person, telephonic and written communication; and
- b. Timeliness of communication, including responsiveness to inquiries and proactive nature of any communication.

6. Documentation – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Timeliness of documents (*e.g.*, reports, change orders);
- b. Professionalism and sufficiency of documents (*e.g.*, whether reports were complete and accurate); and
- c. Timeliness and sufficiency of close out documentation (*e.g.*, DSA documentation).

7. Change Orders – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. The quality of change order work (5 points maximum);
- b. How well contractor integrated change order work into existing work (5 points maximum); and
- c. The excessiveness of change order requests not due to changes in the plans and specifications or other matters outside of contractor’s control (5 points for no excessive change order requests to 0 points for excessive change order requests).<sup>6</sup>

8. Claims; Violations – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Are there any outstanding stop notices, liens or claims by the contractor on contracts for which notices of completion have been recorded? (5 points if none.)
- b. Were there any OSHA violations (Cal or federal) resulting in action associated with this contractor’s work on the project? (5 points if none.)
- c. Were there any other violations resulting in action associated with this contractor’s work on the project? (5 points if none.)
- d. Were there any issues with agency policy compliance (*e.g.*, safety precautions for students and staff)? (5 points if none.)

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<sup>6</sup> See Business & Professions Code Section 7113 (stating that a contractor must complete a contract for the agreed-upon price, and that failure to do so gives CSLB cause to take disciplinary action against that contractor’s license).

9. Project Satisfaction; Recommendation Level – On a scale of 1 to 5 (with 5 being the best level of performance), please rate the contractor’s performance in each of the following categories:

- a. Your level of satisfaction with the contractor’s performance and the completed project;
- b. Your assessment as to whether the contractor’s experience comports with the District’s anticipated project (type, size and scope); and
- c. The degree to which you would recommend this contractor for work on future public works projects.