

**CONTRACTOR PREQUALIFICATION
REQUIREMENTS**

**GENERAL CONTRACTORS,
MECHANICAL/PLUMBING
SUBCONTRACTORS
&**

**ELECTRICAL SUBCONTRACTORS
FOR THE**

_____ **SCHOOL DISTRICT**

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NOTICE TO CONTRACTORS

1. Notice is hereby given that on _____, the Board of Education of _____ School District (“District”) has approved prequalification requirements for construction projects as set forth herein. Effective January 1st, 2014, all prime contractors, mechanical contractors, electrical contractors, and plumbing contractors (MEP) must be prequalified prior to submitting bids for those projects for which the District receives any state bond funds for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more. In the case of mechanical, electrical or plumbing contractors, prequalification is required whether such contractors bid directly to the District or submit a bid or proposal to a prime contractor or to a subcontractor of any tier. Mechanical, electrical and plumbing contractors who may seek ever to bid directly to the District must submit the prequalification questionnaire as a prime contractor. Mechanical, electrical and plumbing contractors subject to this requirement are those with any of the following license classifications: C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 and C-46.
2. It is mandatory that all Prime Contractors, Mechanical Contractors, Plumbing Contractors, and Electrical Contractors fully complete each part of this Prequalification Questionnaire, provide all materials requested herein, and be approved by the District in order to bid on all District construction projects subject to this prequalification requirement.
3. If two or more businesses intend to perform a construction project as a joint venture, each entity within the Joint Venture must be separately prequalified.

FILING OF PREQUALIFICATION SUBMITTALS

A Contractor or Subcontractor seeking prequalification must provide (X) copies of the fully completed Prequalification Questionnaire in a sealed package

Name
Address
etc.

Prequalification packages may be obtained from the District’s website at:

[WWW._____](#).

Prequalification Questionnaires must be submitted to the District 30 days prior to bidding on any District project or within 5 days of the advertisement for bid of a project.

NOTIFICATION OF DETERMINATION

The District will issue the Notification of Determination within 5 business days of the submission of the Prequalification Questionnaire. Contractors that submit a Prequalification Questionnaire will be notified in a Notice of Determination regarding their firm's status, whether or not they are prequalified to bid, or provide sub-bids on District projects projected to exceed an expenditure of \$1,000,000 or more. Notification concerning the project size limit the Contractor has qualified for will also be included in the determination.

The District will deliver a written Notice of Determination to each Contractor that has submitted a Prequalification Questionnaire. If the District determines a Contractor is not qualified or responsible to bid, the Contractor shall also notify the Contractor of the basis of the determination and any supporting evidence obtained from the third parties or through investigation.

While it is the intent of the prequalification questionnaire and documents required therewith to assist the District in determining bidder responsibility prior to bid and to aid the District in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the District from a post-bid consideration and determination on any specific project of whether a bidder has the quality, fitness and capacity to satisfactorily perform the proposed work. Similarly, the District's prequalification of any mechanical, electrical or plumbing contractor shall be for the sole purpose of complying with the law, and the District assumes no responsibility for the performance of such contractors on any project.

TERM OF PREQUALIFICATION

The term of the Prequalification is 12 months from the date of the District's notice to the applicant. The applicant may renew the prequalification by filing an updated Prequalification Questionnaire via the process in effect at the time.

To bid on a District project subject to the Prequalification Requirement, the applicant must be prequalified on the day bids are accepted. If the District delays the initial bid day for a project to a date after the expiration of the applicant prequalification term, the applicant is nonetheless prequalified for that specific project.

End of Notice **APPEALS PROCEDURE**

The following procedures apply when an applicant that is denied prequalification wishes to challenge that denial.

An applicant that is denied prequalification has the right to appeal that denial unless the applicant failed to complete the Prequalification Questionnaire and provide the documents identified in the Prequalification Questionnaire."

Contractor's costs for the appeal shall be undertaken at the Contractor's expense.

The Contractor initiates an appeal by delivering to the District a written notice requesting a hearing and setting forth in general terms the basis of the appeal. The Contractor must deliver the written notice to the same location that it delivered the Prequalification Submittal. The Contractor must deliver such written notice within 10 calendar days following the date of the District's Notice that the District denied prequalification. The Contractor waives its right to appeal the District's decision if it fails to deliver the notice within 10 calendar days. The Contractor is cautioned that its notice of appeal may need to be delivered earlier than the ten calendar days based on the bid advertisement schedule for any pending bid date for which the Contractor seeks prequalification.

The _____ for the _____ District, or its designee, will conduct a hearing on the appeal no later than 5 business days following the Contractor's delivery of the written notice of appeal. The hearing conducted by the Director will be informal and is not an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and reasons in opposition to the District's determination. The District will consider all evidence, information and arguments submitted by the Contractor relevant to the District's determination, the District's response to such evidence, information and arguments, and any other information the District deems relevant.

Within 5 business days following the hearing, the District or its designee, will provide a written decision whether the Contractor is qualified or not qualified. The written decision is the final determination of the issue, and the Contractor shall have no further administrative appeals.

The procedure and time limits set forth above are mandatory and the Contractor's sole and exclusive remedy in the event of protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

End of Appeals Procedure

PUBLIC RECORD

State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure. Other than this, the prequalification package (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purposes of verification, investigation of allegations of falsification or wrongdoing, or in any appeal hearing or in connection with any claim or legal proceeding.

End of Introduction

PREQUALIFICATION QUESTIONNAIRE

Part I. Contact Information

The contractor must provide all of the following contact information to be considered for prequalification. The Contractor must also sign the Certification on the last page, certifying that the statements and information contained in the Prequalification Questionnaire are complete and accurate and that the Prequalification Submittal contains no false or deliberately misleading information.

Legal Name of Contractor: _____

- Check One:
- Corporation
 - Partnership
 - Sole Proprietorship
 - Joint Venture
 - LLC

Contact Person: _____

Address of Contractor: _____

Phone Number: _____ Email: _____

If firm is a sole proprietor or partnership, provide Owners(s) of Company: _____

If Contractor is a Corporation, provide the State of Incorporation: _____

- Seeking Prequalification for:**
- General Contractor
 - Mechanical Subcontractor
 - Plumbing Subcontractor
 - Electrical Subcontractor

**General Contractors/Subcontractors with A; B; C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 and C-46 licenses must prequalify)*

End of Part I

Part II. General Information

The Contractor must provide all the following information to be considered for prequalification.

- 1. Has there been any change in ownership of the firm at any time during the last 3 years?

NOTE: A publicly-traded corporation is not required to answer this question.

Yes No

If "Yes"; explain on a separate signed page.

- 2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

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

Yes No

If "Yes"; explain on a separate signed page.

- 3. Have any of your firm's owners, partners, members, or officers served in the same capacity in another construction firm in the past 5 years?"

Yes No

If "Yes"; explain on a separate signed page, including the reason for the change.

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

License:_____	Classification_____	Exp._____

- 5. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individuals(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license. Include their position in the company.

6. Has your firm changed its name(s) or license numbers(s) in the past 5 years?

Yes No

If "Yes"; explain on a separate signed page, including the reason for the change.

End of Part II

Part III. Essential Requirements for Qualification

NOTE: Contractor will be immediately disqualified if the answer to any of questions 1 through 4 is “No.”

1. Contractor possesses a valid and current California Contractor’s license for the work for which Contractor is seeking prequalification.

Yes No

2. Contractor has Commercial General Liability Insurance covering at least \$1,000,000 per occurrence/ \$2,000,000 aggregate and excess liability covering at least \$3,000,000. **Include a certificate of insurance verifying current insurance coverage.**

Yes No

3. Contractor has current Workers’ Compensation Insurance policy as required by the Labor code or is legally self-insured pursuant to Labor Code section 3700 et.seq.

Yes No

4. Contractor has 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 Contractor’s aggregate and per project bonding capacity within 30 days preceding the submission of this Prequalification Questionnaire.

Yes No

5. Contractor’s surety possesses a Bests’ rating of no less than (A-) Level VII.

Yes No

NOTE: Contractor will be immediately disqualified if the answer to any of questions 5 through 9 is “Yes.”

6. Has your contractor’s license been revoked at any time in the last 5 years?

Yes No

7. Has your firm been “default terminated” by an owner (other than for convenience) or has a surety firm completed, or paid for completion of a contract on your behalf within the last 5 years?

Yes No

8. At the time of submitting this Prequalification Questionnaire, is your firm ineligible to bid on or be awarded any local, state or federal public works contract, or to perform as a General contractor or Subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?

Yes No

9. Is your firm currently the debtor or Debtor in Possession in a bankruptcy case?

Yes No

10. At any time during the last 5 years, has your firm or any of its owners, partners, members, or officers been convicted of a crime involving the awarding of a contract of a government construction project, or bidding or performance of a government contract?

Yes No

End of Part III

Part IV. Organizational Performance, Compliance with Civil and Criminal Laws

A. History of the Business, Financial and Organizational Performance

This Part IV-A contains a total of 13 scored questions about the history of the business and its organizational performance. There is a maximum total of 94 points that can be scored on these 13 questions. In order to prequalify, a minimum of 70 points must be scored on these 13 questions. Contractor must respond to all questions.

1. How long has your organization been in business in California under its present business name and license number?

----- years.

<3 years = 0 points

3-4 years = 2 points

5+ years = 3 points

2. Has your firm filed for bankruptcy any time during the last 5 years? (This question refers only to a bankruptcy action that was not described in answer to question #9, Part III)

Yes

No

"Yes" = 0 points

"No" = 3 points

3. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last 5 years? If all suspensions were retroactively removed, answer "no."

Yes

No

"Yes" = 0 points

"No" = 5 points

4. Indicate which of the following statements is true (select only 1):

In the last 5 years, our firm has not paid liquidated damages, pursuant to a construction contract with either a public or private owner.

(5 points)

In the last 5 years, our firm has paid liquidated damages, pursuant to a construction contract with either a public or private owner on one project.

(3 points)

In the last 5 years, our firm has paid liquidated damages, pursuant to a construction contract with either a public or private owner on more than one project.

(0 points)

5. In the last 5 years, has your firm, or any firm with which any of your company's owners, partners, members, or officers held a position, been debarred, disqualified, removed or prevented from bidding on or completing any project for any reason?

Yes No

"Yes" = 0 points "No" = 8 points -----

6. In the last 5 years, has your firm been denied an award of public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

"Yes" = 0 points "No" = 5 points -----

NOTE: Question 7 & 8 refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. Also, you may omit reference to all disputes about amounts of less than \$50,000.

7. In the past 5 years, has an owner filed a court action or formally initiated arbitration against your firm concerning your firm's work on a construction project and (i) the owner prevailed in the action or arbitration, or (ii) the resolution resulted in the owner receiving an amount equal to or in excess of 55% of the amount sought?

Yes No

If you answer is "Yes," then state how many times this has occurred:-----.

*5 points for either "No" or "Yes" indicating 1 such instance.
3 points for "Yes" indicating 2 such instances.
0 points for "Yes" if more than 2 such instances.* -----

8. In the past 5 years, has your firm filed a court action or formally initiated arbitration against a project owner concerning work on a construction project and (i) your firm lost the action or arbitration, or (ii) the resolution resulted in your firm receiving 50% or less than the amount sought?

Yes No

If you answer is "Yes," then state how many times this has occurred:-----.

*5 points for "No"
4 points for "Yes" indicating 1 such instance.
3 points for "Yes" indicating 2 such instances.
0 points for "Yes" if more than 2 such instances.* -----

9. At any the time during the past 5 years, has your surety company made any payments on your firm's behalf to satisfy any claims made against a payment bond issued on your firm's behalf in connection with a construction project, either public or private?

Yes No

If you answer is "Yes," then state how many times this has occurred:_____.

8 points for "No"

6 points for "Yes" indicating 1 such claim.

3 points for "Yes" indicating 2 such claims.

0 points for "Yes" if more than 2 such claims. _____

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

Yes No

"Yes" = subtract 5 points

"No" = 5 points _____

11. Has your firm or any of its owners, partners, members, or officers, ever been convicted of a felony involving any federal, state, or local law related to construction?

Yes No

"Yes" = subtract 5 points

"No" = 5 points _____

12. Has your firm or any of its owners, partners, members, or officers, ever been convicted of a crime involving any federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

"Yes" = subtract 5 points

"No" = 5 points _____

13. Provide one of the following:

(a) A copy of a reviewed or audited financial statement for your firm's latest fiscal year. A financial statement that is either not reviewed or audited is not acceptable. A letter verifying the availability of a line of credit is not a substitute for the required financial statement.

(b) On a Certified Public Accountants letterhead, provide specific numerical data for the following four (4) financial ratios with respect to your firm's latest complete fiscal year, signed and dated by Contractor's Chief Financial Officer, President or Chief Executive Officer, and a partner in the CPA firm.

Financial Assessment Ratios

Assessment	Formula	Desired Ratio
Current Ratio	Current Assets / Current Liabilities	> 1.25
Net Worth	Total Assets - Total Liabilities	≥ 0
Working Capital	Current Assets - Current Liabilities	$\geq 10\%$ of Est. Cost
Leverage	Total Liabilities / Equity	≥ 2.5

Current Ratio

8 points if the ratio is greater than 1.25

4 points if the ratio is 1.25 or less, but greater than 1.0

0 points if the ratio is less than 1.0

Net Worth

8 points if the ratio is greater than or equal to 0

0 points if the ratio is less than 0

Working Capital

8 points if the ratio is greater than or equal to 10% of estimated cost of project (\$1.2M)

4 points if the ratio is greater than or equal to 7.5 of the estimated cost of project (\$900K)

0 points for any other answer

Leverage

8 points if the ratio is less than or equal to 2.5

4 points if the ratio is greater than 2.5 but less than 3.25

0 points for any other answer

End of Part IV-A

B. Compliance with Safety, Workers Compensation & Prevailing Wage Laws

This part IV-B contains a total of 6 scored questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws. There is a maximum total of 31 points that can be scored on these 6 questions. In order to prequalify, a minimum of 23 points must be scored on these 6 questions. Contractor must respond to all questions.

- 1. Has Cal OSHA, or Federal Occupational Safety & Health (Fed. OSHA), cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past 5 years?

NOTE: If you have filed an appeal of a citation and the Occupational Safety & Health Appeals Board has not yet ruled on the appeal, you need not include information about it.

Yes No

If you answer is “Yes,” then state how many times this has occurred and attached a separate signed page describing each citation:_____

8 points for either “No” or “Yes” indicating only 1 such instance.
5 points or “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances. _____

- 2. 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 prime contractor, in the past 5 years?

NOTE: If you have filed an appeal of a citation and the Occupational Safety & Health Appeals Board has not yet ruled on the appeal, or if there is a court appeal pending, you need not include information about it.

Yes No

If you answer is “Yes,” then state how many times this has occurred and attached a separate signed page describing each citation: _____

5 points for either “No” or “Yes” indicating only 1 such instance.
3 points or “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances. _____

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

3 points for an answer of once each week or more often.
0 points for “Yes” for any other answer. _____

- 4. How often do you require documented safety inspections be made by the safety officer or manager during the course of a project? _____

3 points for an answer of once each month or more often.
0 points for any other answer. _____

5. List your firm's Experience Modification Rating (EMR) (California Worker's Compensation Insurance) for each of the past 3 premium years:

NOTE: An Experience Modification Rating is issued to your firm annually by your Workers' Compensation Insurance carrier.

Current year: _____
Previous year: _____
Year prior to previous year: _____

If your EMR for any of these 3 years is or was 1.00 or higher, you may attach a letter of explanation.

9 points for three-year average EMR of 0.90 or less
6 points for three-year average EMR of 0.90 or more but no more than 1.25
4 points for three year average EMR of more than 1.25 but no more than 1.5
2 points for any other average EMR

6. Has there been any occasion during the last 5 years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with any state or local prevailing wage laws?

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

Yes No

If you answer is "Yes," then state how many times this has occurred in total:_____

3 points for either "No" or "Yes" indicating either 1 or 2 such instance.
2 points or "Yes" indicating 3 such instances.
0 points for "Yes" if more than 3 such instances.

End of Part IV-B

Part V. Experience. Recent Similar & Relevant Construction Projects.

(Please note this section also deals with the size of projects your firm may bid!)

Part V is an opportunity for your firm to show recent and relevant construction experience. The experience you submit will be used in two ways. The first is that your firm must score a minimum of 26 points out of a possible 40 points to meet the basic prequalification criteria. The second is that the experience you submit, combined with your bonding and financial information, will be used by the District to determine the size (based on dollar value) of the projects you will be allowed to bid.

Part V includes Project Data Sheets for up to eight projects. There is a maximum 40 points. To qualify, your firm must score a minimum 26 points. Projects are scored per the following:

5 POINTS for each construction project your firm has completed during the past six years that required Department of State Architect (DSA) approval. Names and references must be current and verifiable.

4 POINTS for each public works construction project your firm has completed during the past six years. Names and references must be current and verifiable.

3 POINTS for each private works construction project your firm has completed during the past six years. Names and references must be current and verifiable.

General Contractors shall submit only on projects in which the firm held the contract with the owner (i.e. public or private entity).

Mechanical, Plumbing, and Electrical Contractors must submit projects in which the firm served as the lead contractor for the craft (i.e. Mechanical, Plumbing, or Electrical). They also must submit the verifiable prime contractor or construction manager for each project.

The dollar value for all projects shall be based upon the General Contractors contract amount.

Total Points this Part _____

End of Part V

Part VI. PROJECT DATA SHEET- one project per Project Data Sheet

Contractor Name: _____
(Seeking Prequalification)
Project Name: _____
Location: _____
Owner: _____

Provide the names, titles, current phone numbers and emails of the Owner's Project Manager, and at least one other person who you believe to be best qualified to answer the questions set forth beginning on Page 8 of this Prequalification Questionnaire. It is the Contractor's responsibility to confirm that contact information is current. Non-current information may result in rejection of the project for evaluation.

- 1) Owner Contact Name/Title: _____
Owner Contact Phone: _____
Email: _____
- 2) Owner Contact Name/Title: _____
Owner Contact Phone: _____
Email: _____

Architect or Engineer: _____
Architect/Engineer Contact Name: _____
Architect/Engineer Contact Phone: _____
Email: _____

Prime Contractor or Construction Manager: _____
Prime Contractor or Construction Manager Contact Name: _____
Prime Contractor or Construction Manager Contact Phone: _____
Email: _____

Project Description, Scope of Work Performed (*Be descriptive and include similar relevant school projects that required DSA approval. It is solely the responsibility of the Contractor to include sufficient information regarding project relevancy to allow the District to appropriately evaluate & assign points for submitted projects.*)

Total Construction Cost of Project: _____
Total Value of Mechanical/Plumbing Contract: _____
(For Mechanical/Plumbing Subcontractors Only)

Total Value of Electrical Contract: _____
(For Electrical Subcontractors Only)

Total Project Gross Square Footage: _____

Schedule Information:

Original Contract Completion Date: _____

Time Extensions Granted by Owner Change Order (number of days) _____

Contract End Date _____

Actual Date of Completion: _____

End of Part VI

CERTIFICATION

The Contractor shall sign this Certification. Failure to include this Certification in the Prequalification Submittal will preclude requalification and subsequent participation in the bidding and construction of District projects

By signing the Certification, the Contractor acknowledges that receipt of this submittal by the District does not constitute either a direct or implied guarantee to the Contractor that prequalification is or will be granted. By signing the Certification and submitting this Prequalification Questionnaire, the Contractor further agrees to be bound by the procedures and conditions of prequalification described in the Request for Prequalification for Contractors and the Prequalification Questionnaire.

The undersigned is legally authorized representative of the Contractor.

The legal name of the contractor is:

State of California Contractor's License Number, including all specialty licenses and certifications:

- License Number:
- Type(s):

Contractor's Telephone Number:

Contractor's Email Address:

* * * *

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

Dated: _____

Company

Printed Name

Signature

End of Prequalification Questionnaire