

Board of Trustees Agenda Item

Board Meeting Date: December 6, 2010

Title of Item:

Recommendation to Authorize a Prequalification Procedure for Prime Contractors for Project #226C, Interior/Exterior Finishes-L Quad (Measure C)

Background and Analysis:

Public Contract Code section 20101 allows community college districts to require licensed contractors to “prequalify” for the right to bid on public works projects. The purpose of prequalification is to ensure that all prospective bidders have the appropriate construction experience and financial capacity to perform the work. The laws require that community college districts: (1) use a standardized questionnaire and financial statement, (2) adopt and apply a uniform system of rating bidders based on objective criteria, and (3) establish a process that allows prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.

The Interior/Exterior Finishes project at De Anza College has a construction budget of \$750,000. The De Anza College Construction Management team has concluded that prime contractors on Project #226C, Interior/Exterior Finishes-L Quad should be prequalified to ensure the financial stability of the contractors and to promote safety, quality, timeliness, and cost effectiveness in the construction of the project.

A draft of the prequalification document is attached. The Purchasing Department will report the prequalification results to the Board of Trustees at a future meeting. At that time, the Board can choose to either:

1. Accept the list of General Contractors who met all of the prequalification requirements as the only contractors who are “prequalified” to bid as prime contractors on the listed projects,

- OR -

2. Cancel the prequalification procedure for General Contractors for the listed project.

This prequalification of contractors shall be valid for one year if accepted by the Board of Trustees.

Recommendation:

Purchasing Services Director Carmen Redmond recommends that the Board of Trustees authorize a prequalification procedure for Prime Contractors for Project #226C, Interior/Exterior Finishes-L Quad in accordance with Public Contract Code, Section 20101.

Submitted by:	Carmen Redmond, Director of Purchasing Services
Additional contact names:	Charles Allen, Tom Armstrong, Roseanne Sciacchitano, Dawn Allshouse
Is backup provided?	Yes



**RFQ Document # 1312-226C
GENERAL CONTRACTORS**

**PREQUALIFICATION DOCUMENTS
FOR DE ANZA COLLEGE - MEASURE C
PROJECT #226C – INTERIOR/EXTERIOR FINISHES-L QUAD**

General Contractor, License Classification B, are eligible to apply for prequalification consideration for Measure C project #226C Interior/Exterior Finishes-L Quad anticipated to be bid in the Spring of 2011 following acceptance of prequalification. Only prequalified General Contractors will be allowed to participate as prime contractors. A legal advertisement entitled “NOTICE TO PREQUALIFIED GENERAL CONTRACTORS ” will be issued at the time of bid.

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NOTICE TO GENERAL CONTRACTORS FOR PREQUALIFICATION

PROJECT NOTICE

The Foothill-De Anza Community College District (hereinafter called District), intends to award a Lump Sum contract by competitive bidding for the following project:

CAMPUS	PROJECT NAME	APPROX. BID DATE	TYPE	CONSTRUCTION ESTIMATE
De Anza College	Project 226C: Interior/Exterior Finishes-L Quad	March 2011	Interior finishes of 30 classrooms in 6 buildings approximately 30,000 sq ft. Exterior finishes of 13 buildings.	\$750,000

The above bid dates and construction estimates are approximate. Exact dates, times, and location will be set forth in a NOTICE TO PREQUALIFIED GENERAL CONTRATORS for the listed project/s.

Prequalification requirements are noted below. Prequalified bidders will be required to have the following California Contractor's license classification: **B - GENERAL CONTRACTORS**.

Contractors must agree to sign and be bound by the terms and conditions of the Project Stabilization Agreement agreed between the Foothill-De Anza Community College District and the Santa Clara & San Benito Counties Building & Construction Trades Council in order to prequalify for the listed project.

Each contractor in a joint venture must submit a separate prequalification package including financial statements and information. The joint venture must hold a joint venture license with the State of California Contractors State License Board at the time its members submit their prequalification package.

In the case of a joint venture, a copy of the agreement creating the partnership or association and specifying that all joint venturers agree to be fully liable for the performance under the contract.

Each contractor in the joint venture must submit a copy of the agreement that created the joint venture. The agreement must specify that all joint venturers have agreed to be fully liable for performance under any contract that is awarded to the joint venture.

GENERAL DESCRIPTION OF WORK

A very brief description of the project is available at the District's Measure C website:

www.measurec.fhda.edu. A more detailed description includes the following: #226C: Interior/Exterior Finishes – L Quad: Interior finishes of 36 classrooms in 7 different buildings, including painting, replacement of flooring materials, and additional miscellaneous finishes, such as installation of “chair rails.” Exterior finishes of 14 buildings, including painting and additional miscellaneous finishes. The schedule of the work is non-negotiable and of extreme importance to the District; construction will commence March 15, 2011 and shall be completed ready for normal use and occupancy by April 14, 2011, including all curing times and punchlist items. The contractor shall coordinate all equipment moves with the District and the Program Manager. Sufficient staffing and sequencing to complete the work within the required time frame is mandatory.

PREQUALIFICATION PROCESS

The District has determined that bidders, B Licensed General Contractors, who submit bids for the project listed above, must be prequalified. Only bidders who have been prequalified will be allowed to further participate as prime contractors for this project. The District reserves the right to remove the prequalification requirement at any time.

Prequalification documents consisting of this NOTICE TO GENERAL CONTRACTORS FOR PREQUALIFICATION together with the PREQUALIFICATION QUESTIONNAIRE, will be available to intending bidders beginning at **10 AM on December 14, 2010** at the office of Purchasing Services, Foothill De Anza Community College District, 12345 El Monte Rd., Building D170, Los Altos Hills, CA 94022, (650) 949-6193 phone, (650) 948-5194 fax.

Any questions or requests for clarifications to the Prequalification Documents must be submitted in writing to the Purchasing Department, ATTN: **Dawn Allshouse**, by fax to (650) 948-5194 or to Linda Mahi at the above address by close of business, **12 PM, January 5, 2011**. Questions received after the above-noted deadline may be answered at the discretion of the District. Amendment will be faxed or sent by messenger service by **January 13, 2011** to all who are known by the issuing office to have received a complete set of Prequalification Documents and who have provided a FAX number or a street address for receipt of Amendment.

Prospective bidders shall submit three (3) sets of the completed prequalification questionnaire and required attachments **in a sealed envelope identified as "PREQUALIFICATION QUESTIONNAIRE – Measure C Project #226C: Interior/Exterior Finishes-L Quad"** with the Bidder's name and address to the office of Purchasing Services, 12345 El Monte Rd., Los Altos Hills, CA 94022 by **4:00 PM January 20, 2011**.

No prequalification questionnaire will be accepted after **4:00 PM January 20, 2011**. However, the District reserves, at its sole discretion, the right to request, to receive, and to evaluate supplemental information after the above time and date.

Bidders will be notified by letter whether or not they met all of the prequalification requirements for the category of projects indicated.

EVALUATION FACTORS FOR PREQUALIFICATION

Prequalification of prospective bidders will be determined by the application of a pre-established rating system to the following information to be submitted by prospective bidders. Prospective bidders who meet the minimum requirements for prequalification and who receive a point score above a pre-determined level of 70% of the total points available on the pre-established rating system will be considered "responsible" and successfully prequalified. These prequalified bidders will be allowed to submit bids to the District for this project. Point accumulation will be based upon the following:

1. Submission and completion of information required by the Prequalification Questionnaire and a properly signed Prequalification Declaration, Section 1.
2. Construction Experience as described under Section 2 of the Prequalification Questionnaire.
3. Information provided in the License and Business Information, Section 3, including possession of the required valid California Contractor's License/Classification as of the date and time of the Prequalification Questionnaire submittal.
4. Evaluation of Safety Program, OSHA Citations, Incidence Rate and Experience Modification Factor (EMF), Section 4, Safety Record & Program.
5. Bonding rate, Bonding capacity, and using a Surety Company listed in the latest published State of California Department of Insurance List of "Insurers Admitted to Transact Surety Insurance In This State" Section 5, Surety.
6. Conforming to the Section 6, Insurance Requirements.
7. The completion of (A) the Declaration of Financial Condition and all financial requirements in Section 7, Financial Statements and Information, or, when applicable, (B) the completion of the Declaration of

Qualified Small Business Administration Entity and the Disclosure of Financial Condition for Small Business Administration Entities.

SEE THE PREQUALIFICATION QUESTIONNAIRE OF THIS PREQUALIFICATION DOCUMENT FOR DETAILS AND REQUIREMENTS WITHIN EACH CATEGORY NAMED ABOVE. It is advisable that each prospective bidder consider their responses to the questions as addressed in “bold” within the NOTES of each category before completing the application.

Minimum requirements have been established solely for the purpose of determining, in a timely manner, bidders who are deemed qualified for successful and timely performance of the type of work required. Any prospective bidder found not to be prequalified as a result of the bidder’s answers to this Prequalification Questionnaire will receive a written response from the District explaining its decision. If the bidder can refute the basis upon which the decision was made, the bidder may appeal the decision. The appeal shall state the basis of the appeal and must be submitted in writing within 3 working days of receipt of notification and must request a hearing or a written response from the Director of Purchasing and Material Services, Ms. Carmen Redmond. The decision of the District is final and not appealable within the State of California.

The District reserves the right to reject any or all responses to prequalification questionnaires and any or all bids and to waive non-material irregularities in any response or bid received. If the District deems that there is not a sufficient pool of General Contractors for competitive bidding, the District reserves the right to withdraw the prequalification requirements for this project. The District reserves the right to disqualify applicants and prequalified contractors at any time if responses to the Questionnaire are discovered to be untruthful or misleading.

All information submitted for prequalification evaluation will be considered official information acquired in confidence and the District will maintain its confidentiality to the extent permitted by law.

BID PROCEDURES

When the Bidding Documents for the project become available, lump sum bids submitted directly to the District will be received ONLY from General Contractors who have been prequalified, unless the prequalification requirement has been withdrawn. Only bidders who have been prequalified shall be invited to participate in a competitive bid for this project.

Prequalified General Contractors will be issued one (1) complete set of bidding documents upon request to the District. Lump sum bid proposals from prequalified General Contractors will be evaluated based on the lowest responsible bid.

PREQUALIFICATION SCHEDULE

December 14, 2010	Prequalification documents available to Bidders
January 5, 2011	Receipt by District of any Bidder’s requests for clarification
January 13, 2011	Issuance of Amendment, if needed
January 20, 2011	Submittal of completed Prequalification Questionnaire & all attachments, by 4:00 PM
February 16, 2011	Bidders will be notified by letter whether or not they are prequalified.

ALL DATES ARE SUBJECT TO CHANGE AT THE SOLE DISCRETION OF THE DISTRICT.



**RFQ Document # 1312-226C
GENERAL CONTRACTORS**

**PREQUALIFICATION DOCUMENTS
FOR DE ANZA COLLEGE - MEASURE C
PROJECT #226C – INTERIOR/EXTERIOR FINISHES-L QUAD**

Submittal Deadline: 4:00 PM January 20, 2011

1. PREQUALIFICATION DECLARATION

(Firm Name)
(Contact Person)
(Address)
(City, State, Zip Code)
(Telephone Number)
(Fax Number)

Each prospective bidder must have a California Contractor's License – B General Building Contractor for the listed work, which is current, active and in good standing with the California Contractor's State License Board, on the date and time of the Prequalification Questionnaire submittal is due and must submit this Prequalification Questionnaire with all portions completed, including required attachments.

Each prospective bidder must answer all of the following questions and provide all requested information, where applicable.¹ The District will deem any prospective bidder who fails to do so to be as non-responsive and not prequalified.

All information submitted for prequalification evaluation will be considered official information acquired in confidence, and the District will maintain its confidentiality to the extent permitted by law.

It is critical that the prospective bidder fill out all information required accurately, completely, truthfully and to the best of their knowledge. Ambiguous or incomplete information may lead to an unfavorable rating and subsequent status as not prequalified. Non-prequalification criteria have been clearly identified.

NOTE: If the below is signed by other than the sole proprietor, a general partner or corporate officer, attach original notarized Power of Attorney or Corporate Resolution.

Failure to return a properly completed Declaration will result in the Contractor being determined to be not prequalified.

I, _____, hereby declare that I am the
(Printed Name)

_____ of _____
(Title) (Name of Firm)

submitting this Prequalification Questionnaire; that I am duly authorized to sign this Prequalification Questionnaire on behalf of the above named firm; and that all information set forth in this Prequalification

¹ This page is considered a public record; all other pages of this questionnaire and supplemental materials are not public record and shall not be open to public inspection.

Questionnaire and all attachments hereto are, to the best of my knowledge, true, accurate and complete as of its submission date.

The undersigned declares under penalty of perjury that all of the Prequalification information submitted with this form is true and correct and that this declaration was executed in _____ County, California, on _____.

(Date)

(Signature)

DRAFT

[END OF SECTION]

2. CONSTRUCTION EXPERIENCE

- A. Attach to the completed Prequalification Questionnaire, completed PROJECT DATA SHEETS meeting the below requirement for each project. Provide all of the information requested in the Project Data Sheet. When project data sheets are being completed by a member of a joint venture, then the project data sheets must describe work that was completed by the joint venture. Optional project drawings, photographs or schedules or related information may be attached, limited to an 8-1/2 x 11" format.
- i. The three (3) projects were completed by the applicant in the role of a B Licensed General Contractor (each of which were awarded as a Public Works Contract and complied with applicable California Public Contract Code bidding requirements for "public entities"² with at least two (2) of those that had DSA oversight or the direct oversight of a Public Agency's inspection services).
 - ii. The three (3) projects should be similar to the General Description of Work listed on Page 2: Interior finishes of 36 classrooms in 7 different buildings, including painting, replacement of flooring materials, and additional miscellaneous finishes, such as installation of "chair rails." Exterior finishes of 14 buildings, including painting and additional miscellaneous finishes.
 - iii. Each project submitted must have been completed in the last five (5) years. (One of the three projects submitted may be currently under construction.)
 - iv. Each project submitted must have an original contract award amount of at least **\$500,000**.
 - v. Bidder must list current contact information including names and telephone numbers of applicable contacts for each project. If the District is unable, after reasonable efforts, to confirm the past project information submitted by bidder, said project may not be accepted as a qualifying project.
 - vi. The District will confirm the information provided on the required Project Data Sheets with the listed Owner for verification of all information and perform reference checks to rate the performance of the contractor. Points will also be given based upon reference checks with the Owner for the projects submitted. It should be noted that the established point rating system heavily favors prospective bidders with construction experience similar to the proposed project. Points will be allocated to submitted projects based on the prospective bidder's demonstrated ability to complete projects within quality, fiscal and timetable parameters.
- B. The District prefers that the site superintendent and project manager that your organization will employ for this project have previously completed, in that same capacity, at least three projects involving the modernization of Higher Education facilities.

How many projects in the same capacity has your site superintendent completed? _____

How many projects in the same capacity has your project manager completed? _____

² A "Public Entity" as defined in PCC 1100 means the state, county, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state.

C. In addition, submit one scheduling criteria using the following requirements to demonstrate how the firm would complete the work described in the contract documents in the allotted time:

- 1) Project Schedule **Example** from Past Experience: Submit a full project schedule from a previously completed project that used the critical path method and that shows exterior and interior finishes construction for multiple rooms and/or buildings. The project guidelines should be followed as closely as the following as possible:
 - a. Size: \$500,000 or more
 - b. Scope example: A remodel, Interior and Exterior Painting Work, Flooring, or Misc Finishes
 - c. Duration: Maximum 30 working days for Construction Work
- 2) Schedule **Detail**: Include the following for Schedule Submittal:
 - a. Provide a digital copy and hardcopy of the schedule using MS Projects, Primavera, or similar software
 - b. Schedule to utilize the critical path method (CPM)
 - c. Schedule to show room numbers, building numbers, detailed construction activities, such as painting and demolition, submittals, material procurement time, substantial completion, punchlist, and close out.
 - d. Include work size crew per activity
 - e. Identify any overtime, shift hours, or other daily hours that were utilized to meet the construction schedule
- 3) Project Information: Include the following project information along with Schedule Submittal:
 - a. Project Name and Address
 - b. Project Construction Budget
 - c. Project Type: Residential, Commercial, or Public Works
 - d. Project Owner and Address

[END OF SECTION]

3. LICENSE AND BUSINESS INFORMATION

NOTE: Failure to answer “Yes” to questions 3A through 3C (which have been bolded) will result in the Contractor being determined to be not prequalified.

Failure to answer “Yes” to questions 3E through 3G will be scored and the score may result in the firm being determined to be not prequalified. If a “No” response is provided, a justification acceptable to the District must be provided.

Failure to answer “No” to questions 3H through 3J will be scored and the score may result in the firm being determined to be not prequalified. If a “Yes” response is provided, a justification acceptable to the District must be provided.

Upon written request, additional supporting documentation must be provided within 72 hours. All decisions of the District are final. The District reserves the right to confirm all information provided.

- A. **Will your firm sign and be bound by the terms and conditions of the Project Stabilization Agreement agreed to by the Foothill-DeAnza College District and the Santa Clara & San Benito Counties Building & Construction Trades Council? (A copy of the Project Stabilization Agreement can be found at this web address for reference purposes:**
http://www.measurec.fhda.edu/Portals/26/docs/FHDA_PSA_040808.pdf)

YES ☐ NO ☐

- B. **Does your firm, including any partner if a Joint Venture, hold a State of California contractor’s license classification: B - GENERAL CONTRACTORS, which is current, valid, and in good standing with the California Contractor’s State License Board for the work you propose bidding?**

YES ☐ NO ☐

If YES, provide the following information about your firm’s contractor’s licenses:

(1) Name of license holder exactly as on file with the California Contractor’s State License Board: _____

(2) License Classification and Code: _____

(3) License Number: _____

(4) Date Issued: _____

(5) Expiration Date: _____

Type of Ownership: ____Corporation ____Partnership ____Sole Proprietor

- C. **Can you truthfully state that your firm, or any of your firms’ owners, officers or partners associated with the firm, has not been disqualified or barred from business with a public agency within the last ten (10) years? The term “associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position.**

YES ☐ NO ☐

If the answer is no, please explain: _____

- D. Can you truthfully state that your firm has not had a complaint filed with the Contractor's State License Board **against** your company that required a formal hearing or inquiry within the last ten (10) years?

YES ☐ NO ☐

If the answer is no, please explain: _____

- E. Can you truthfully state that your firm's contractor's license under your classification has never been suspended, revoked, or been subject to disciplinary actions by the California Contractor's State License Board within the last ten (10) years?.

YES ☐ NO ☐

If the answer is no, please explain. Provide the reason(s) for the suspension, the effective dates, and the current status: _____

- F. Can you truthfully state that in the last ten (10) years your firm has not been denied an award of a public works contract based upon a finding by a public agency that your firm was not a responsible bidder?

YES ☐ NO ☐

If the answer is no, explain on a separate, signed and dated page. Identify the year of the event, the owner, the project, and the basis for the finding by the public agency.

- G. Can you confirm your firm or any officer or partner thereof, has not been terminated by an owner, owner's representative or contracting party, or otherwise failed to complete a contract?

YES ☐ NO ☐

If the answer is no, explain on a separate, signed and dated page. Identify the year of the event, the owner, the project, and the basis for the failure to complete the contract.

- H. At any time in the last five (5) years have you or your firm been assessed or paid liquidated damages with either a public or private owner?

YES ☐ NO ☐

If the answer is yes, explain on a separate, signed, and dated page and attach to this RFQ #1246. Identify each project by owner, owner's address, date of project completion, amount of liquidated damages assessed, amount paid, contract amount, and other information that fully explains why the liquidated damages were assessed.

Additionally, state the total number of projects completed by your firm in the last five years and the cumulative dollar value of those projects.

NOTE: The questions 3I through 3K refer only to disputes between your firm and the owner of a project, between your firm and a supplier, another contractor, or a subcontractor. You may omit reference to all disputes about amounts less than the values noted in each question.

- I. In the past five (5) years has any claim that was mediated, arbitrated, or filed in court by an Owner that concerns your firm's work on a construction contract resulted in a settlement or an award amount greater than \$25,000 **against** your firm?

YES ☐ NO ☐

Additionally, state the total number of projects completed by your firm in the last five years and cumulative dollar value of those projects.

- J. In the past five (5) years has any claim that was mediated, arbitrated, or filed in court against your firm on a construction contract resulted in a settlement or award in excess of \$25,000 **against** your firm?

YES ☐ NO ☐

Additionally, state the total number of projects completed by your firm in the last five years and cumulative dollar value of those projects.

- K. In the past five (5) years, how many claims and/or arbitrations, mediations, or litigation actions were initiated by your firm against an Owner? _____

Additionally, state the total number of projects completed by your firm in the last five years and cumulative dollar value of those projects.

If "Yes" to 3I or 3J, and in response to item 3K, using the format below on one page per claim, identify all claims by providing the project name, date of the claim, name of the entity (or entities) who filed the claim, a brief description 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).

CASE INFORMATION (indicated defendant and plaintiff information and disputed dollar amount)	PROJECT INFORMATION Project Name, Address, Owners Contact, Telephone #, etc.	BRIEF DESCRIPTION of the type of claim and date of claim	METHOD OF RESOLUTION <ul style="list-style-type: none">• Mediation• Arbitration• Court System	RESOLUTION STATUS AND SETTLEMENT

4. **SAFETY RECORD & PROGRAM**

NOTE: A copy of the current written company safety program should be included as an attachment. Failure to provide a current written company safety program will result in the Contractor being determined to be not prequalified.

- A. Does your firm have a written safety program that meets CAL/OSHA requirements and California Labor Code Section 3201.5 or 6401.7? Attach one (1) copy of the current written safety program. **Note: A “NO” answer to question 4A will result in disqualification from further participation in the prequalification.**

YES ☐ NO ☐

- B. Has your firm been cited by CAL/OSHA in the past ten (10) years? YES ☐ NO ☐

If the answer is “yes”, on a separate signed and dated page, list each citation. Identify the citation citing applicable code issue and the amount noted, the date of citation and resultant resolution date, and any information necessary to fully explain the circumstances and outcome of the citation.

- C. List all serious and willful violations of Division 5, Part 1, Chapter 1 of the California Labor Code (commencing with Labor Code Section 6300) during the past ten (10) year period. Attach additional pages as necessary. If no violations, note “NONE” on Line 1 below.

1. _____

Violation

Project Name

2. _____

Violation

Project Name

- C. **What is your firm’s current Experience Modification Factor?** _____

Important: You must attach a letter from your insurance company that states your EMF and submit it with your prequalification questionnaire.

Note: An Experience Modification Factor of more than 1.0 will result in disqualification from further participation in this prequalification

- D. What is your firm’s current Incidence Rate? _____

- E. What is your firm’s previous year Incidence Rate? _____

[END OF SECTION]

5. **SURETY** (Surety companies used shall be listed in the latest published State of California Department of Insurance list of insurers admitted to transact surety insurance in California)

- A. Is your firm able to obtain total bonding capacity up to and including \$750,000 for this project?

YES ☐ NO ☐

- B. What is your firm's bonding rate for a project of at least \$750,000?

- C. What is your firm's bonding capacity?

- D. Will projects that you are planning to start in the next six to twelve months change or impact your firm's bonding capacity?

YES ☐ NO ☐

- E. Is it true that the Surety (past or present) has not paid out any monies for the construction activities of the firm within the last ten years?

YES ☐ NO ☐

- F. How long has your firm been with this Surety? _____ Years

- G. Provide the name, address, and telephone number of the Surety (not the Bonding/Broker agent) proposed to be used on this construction contract:

Company Name: _____

Address: _____

City/State/Zip Code: _____

Phone Number: _____

- H. The Surety must be a Secured admitted surety insurer in the State of California. Submit a copy of all the documents described below in the Code of Civil Procedure 995.660 (a) 1, 2, and 4 (see below). It is **not** necessary to submit the county clerk certificate that is described in (a) 3. The copies that you submit must be the most recent versions of these documents.

The District reserves the right to reject any proffered surety insurer.

California Code of Civil Procedure 995.660.

(a) If an objection is made to the sufficiency of an admitted surety insurer on a bond or if the bond is required to be approved, the insurer shall submit to the court or officer the following documents:

(1) The original, or a certified copy, of the unrevoked appointment, power of attorney, bylaws, or other instrument entitling or authorizing the person who executed the bond to do so, within 10 calendar days of the insurer's receipt of a request to submit the instrument.

(2) A certified copy of the certificate of insurer's authority of the insurer issued by the Insurance Commissioner, within 10 calendar days of the insurer's receipt of a request to submit the copy.

(3) A certificate from the clerk of the county in which the court or officer is located that the certificate of authority of the insurer has not been surrendered, revoked, canceled, annulled, or suspended or, in the event that it has, that renewed authority has been granted, within 10 calendar days of the insurer's receipt of the certificate.

(4) Copies of the insurer's most recent annual statement and quarterly statement filed with the Department of Insurance pursuant to Article 10 (commencing with Section 900) of Chapter 1 of Part 2 of Division 1 of the Insurance Code, within 10 calendar days of the insurer's receipt of a request to submit the statements.

(b) If the admitted surety insurer complies with subdivision (a), and if it appears that the bond was duly executed, that the insurer is authorized to transact insurance in the state, and that its assets exceed its liabilities in an amount equal to or in excess of the amount of the bond, the insurer is sufficient and shall be accepted or approved as surety on the bond, subject to Section 12090 of the Insurance Code.

California Insurance Code section 12090.

(a) An admitted surety insurer shall not become surety on any one undertaking, or accept reinsurance on such undertaking, when its liability thereon, in excess of the amount reinsured by it in an admitted insurer, amounts to more than ten percent of its capital and surplus as shown by its last statement on file in the office of the commissioner.

(b) In determining its liability on an undertaking for purposes of subdivision (a), an admitted insurer may reduce its liability by either or both of the following:

(1) Deposits with the surety insurer, in a manner acceptable to the commissioner, or by conveyance to it in trust for its protection, of assets that would qualify as admitted assets.

(2) A clean and irrevocable letter of credit acceptable to the commissioner.

[END OF SECTION]

6. INSURANCE

NOTE: Failure of the Contractor to demonstrate the ability to obtain necessary limits of insurance will result in the Contractor being determined to be not prequalified (6A).

A. Is your firm able to obtain the following insurance in the limits stated?

YES ☐ NO ☐

- | | |
|---|--------------------|
| 1. Bodily Injury & Property Damage-Each Occurrence: | \$ 1,000,000 |
| Combined Single Limit-Aggregate | \$ 2,000,000 |
| 2. Product - Completed Operations Aggregate | \$ 1,000,000 |
| 3. Personal and Advertising Injury | \$ 1,000,000 |
| 4. General Aggregate-Not Applicable to Comprehensive Form | \$ 1,000,000 |
| 5. Business Automobile Liability Insurance | |
| Limits of Liability: | |
| Each Accident-Combined Single Limit for | \$1,000,000 |
| Bodily Injury and Property Damage | |
| 6. Builders Risk | \$ Contract amount |

B. If your answer to question 6A is “Yes”, your firm must provide a declaration **from the Insurance Company or from the broker/agent** with insurers acceptable to the District (AM Best A- VII or better or otherwise approved by the District Risk Management), stating that your firm is able to obtain insurance or has insurance in the limits stated above from the Insurance Company or from the broker/agent. **Either provide a notarized declaration or include the following in the last paragraph of the declaration:**

“The undersigned declares under penalty of perjury that the above statement(s) submitted is true and correct and that this declaration was executed in _____ County, California, on (date) _____.

(Name and Title, printed or typed)

(Signature)

Note: A failure to answer “Yes” to this question and/or failure to provide the required declaration from the insurance company or from the broker/agent, will result in the Contractor being determined to be not prequalified.

C. Provide the following information on your Insurance Company/carrier(s) (not the Broker/Agent):

For General Liability/Auto Liability/Excess Liability:

Company Name _____

Indicate AM Best Rating: _____

Indicate AM Best Financial Classification: _____

For Worker's Compensation & Employers' Liability:

Company Name _____

Indicate AM Best Rating: _____

Indicate AM Best Financial Classification: _____

[END OF SECTION]

DRAFT

7. FINANCIAL STATEMENT AND INFORMATION

NOTE: Failure of the Contractor to demonstrate their Current Ratio to be one (1) or more, and, average business revenue to be at least \$1,000,000 annually for the past three (3) years, will result in the Contractor being determined to be not prequalified. Failure to submit a recent Reviewed or Audited Report of Financial Statements for the past (3) years will result in the Contractor being determined to be not prequalified.

- A. Can you truthfully state that your firm has had business construction gross receipts* with a three (3) year average of at least: (excluding any and all legal awards)

\$1,000,000 annually YES ☐ NO ☐

*Business construction gross receipts shall be defined as payments to prospective firm from Owners and/or Contractors for construction services rendered.

- B. Complete and submit one (1) complete copy of the Contractors most recent **Reviewed or Audited Report of Financial Statement** for the past three (3) years, *including the attached Declaration of Financial Condition*.

(NOTE: If Bidder is a Joint Venture, a statement must be filed for each **Joint Venture member**.)

- C. **Based on the Contractor's** most recently audited or *reviewed financial statement(s) submitted, provide summary* financial information (ratio formula and ratio) as indicated in the table below.

Financial Ratio	Ratio Formula	Contractor's Ratio	Points Received
Current Debt Ratio	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$		Less than 1 will be disqualified from further participation in this prequalification
Profitability	$\frac{\text{Net Income}}{\text{Earned Revenue}}$		Net loss will be disqualified from further participation in this prequalification
Liquidity Ratio	$\frac{\text{Current Assets} - (\text{Inventories} + \text{Prepaid})}{\text{Current Liabilities}}$		Less than 1 will be disqualified from further participation in this prequalification

FINANCIAL STATEMENT AND INFORMATION

(INSTRUCTIONS FOR COMPLETING THESE REQUIREMENTS)

1. Firms **Declaration of Financial Condition (Exhibit A)** shall be fully completed and signed in the spaces provided.
2. The **Reviewed or Audited Report of Financial Statement** is used to give the District a financial record of the firm. *Full financial statements of the bidder shall be submitted for the last three (3) fiscal years.* Public Contract Code section 20101(e) exempts from this requirement a contractor (firm) who has qualified as a small business pursuant to Government Code section 14837(d), if the bid is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1). In order to qualify as a certified small business, you must submit a copy of the certification letter that was issued to your company by the State of California.
3. If the firm is a Joint Venture, a Statement must be filed for each party of the Joint Venture. A full history of experience as this Joint Venture must be provided along with a proposed division of responsibilities and defined operations plan for this project.
4. Number of copies required to be submitted: One.
5. All information provided will be kept confidential to the extent permitted by law.

END OF INSTRUCTIONS

[END OF SECTION]

EXHIBIT A
RFQ Document #1312-226C
Interior/Exterior Finishes-L Quad

DECLARATION OF FINANCIAL CONDITION

To be submitted with the prequalification application and the **Reviewed or Audited Report of Financial Statements.**

(For Individual, Partnership, or Corporation)

Name (Name of Individual, Partner, or Officer)

If an individual, doing business as _____

Declares: That I am _____(capacity) of the _____(entity) submitting the Statement of Financial Condition; that I have read the Statement of Financial Condition and am familiar with the accounting records from which it was prepared; and that the Statement of Financial Condition is a true and accurate statement of _____(my or the) financial condition of _____(the partnership or firm) as of its date.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was subscribed at:

City

County

State of _____ on _____

Date

(Individual, Partner or Officer must sign here)

For Partnership only:

The foregoing declaration is hereby affirmed

(Remaining Partners of firm sign here)

PUBLIC WORKS PROJECT DATA SHEET

Project # _____ Bidder's Company Name: _____

1. Project Name: _____
2. Project Location: _____
3. Owner's Name: _____
Address: _____
Phone/Fax: _____
Contact: _____
4. Architect/Engineer: _____
Phone: _____
Contact: _____
5. Name of Firm's/Contractor's Project Manager: _____
Number of years with the firm? _____
6. Name of Firm's/Contractor's Superintendent: _____
Number of years with the firm? _____
7. Was original contract entered into by a Joint Venture? YES ☐ NO ☐
8. Was project a renovation of existing college campus utility infrastructure? YES ☐ NO ☐
9. Was Project completed on time, including contractually-approved time extensions? YES ☐ NO ☐
 - A. Start Date: _____
 - B. Original Completion date: _____
 - C. Approved extended completion date: _____
 - D. Actual Completion date: _____
10. Were Critical Path Method (CPM) schedule updates were provided to the Owner on this project?
YES ☐ NO ☐ How Many? _____
11. Was Project completed for original contract amount? YES ☐ NO ☐
 - A. Contract Award Amount \$ _____
 - B. Cost at Completion \$ _____
 - C. Cost of Approved Change Orders \$ _____
 - D. Amount of Disputed Change Order Requests \$ _____
12. Was project performed as a Public Works Project? YES ☐ NO ☐
13. Was involvement with the Division of State Architects (DSA) required for this project? YES ☐ NO ☐
14. Were inspection services performed by a local Public Agency's inspection services? YES ☐ NO ☐
If yes, provide agency's name and current contact information. _____
15. Were Liquidated Damages for delay assessed against this project? YES ☐ NO ☐
If "yes", please state total amount assessed \$ _____ per diem rate \$ _____
Please state total amount paid \$ _____
16. Did project have any Prevailing Wage Rate violations? YES ☐ NO ☐

