# Contractor Prequalification Procedures

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# Cutler-Orosi Joint Unified School District

## Prequalification Application

# CONTRACTOR PREQUALIFICATION FOR THE CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT

For any public works contract of the Cutler-Orosi Joint Unified School District ("District") where prequalification under Public Contract Code section 20111.6 is required, prime contractors with A or B licenses ("general contractors"), and mechanical, electrical, and plumbing contractors (i.e., those contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 licenses, whether acting as prime contractors or subcontractors), that are planning to submit, or planning to be included in, a bid or proposal for that contract may apply for prequalification, as described below. In addition, any contractor or subcontractor may become prequalified through the District's annual prequalification process for future District projects that will require prequalification under Public Contract Code section 20111.6, as described below.

Prequalification application packages are available on the District's website or at the District's main office located at 12623 Avenue 416, Orosi, California 93647. As discussed below, a submitted prequalification application must include (a) answers to the questionnaire, and (b) a financial statement, all of which must be verified under oath. The District will use the information and answers required by the application to prequalify contractors in accordance with applicable law.

## PREQUALIFICATION PROCEDURES

### *Timelines*

*Project Prequalification*

For a particular contract where prequalification is required, the completed prequalification application must be submitted at least ten (10) business days before the bid opening or deadline to submit proposals, unless the bid package or request for proposals for that contract requires submittal by an earlier deadline. Any prequalification application that is received after the application deadline for a contract will be deemed untimely for that contract and will not be reviewed for that contract, and the contractor will not be permitted to bid on, or submit a proposal for, that contract. A determination of prequalification will be valid for one year from the date of announcement (see "Evaluation by the District," below).

*Periodic Prequalification*

The deadline for submitting a completed prequalification application for the annual prequalification process is twenty-one (21) days before the first day of January each year. If a contractor fails to submit an application for the annual prequalification process, it may still submit a prequalification application for a particular contract (see Section 1, above). Following Board approval of the annual prequalified contractors list, the District will provide a list of all prequalified contractors to all applicants each year. Any prequalification application that is received after the application deadline will be deemed untimely and will not be reviewed, and the applicant will not be permitted to bid on, or submit a proposal for, a contract unless it is prequalified for that contract pursuant to the process outlined in Section 1, above.

***Questionnaire***

All questions in the questionnaire must be answered. If a question is not applicable, then indicate a response of "N/A." "You" or "Yours" as used herein refers to the applicant's firm and any of its owners, officers, principals and qualifying individuals. If two or more business entities submit a bid or proposal on a contract as a Joint Venture, or expect to submit a bid or proposal as part of a Joint Venture, each entity within the Joint Venture must be separately prequalified.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury. Each applicant shall have a duly authorized owner, officer or principal complete the questionnaire and verify the truth of the information provided therein and in the financial statement.

***Financial Statement***

In addition to completing and verifying the attached questionnaire, each applicant must submit and verify its most current reviewed or audited year-end financial statement, which must have been prepared by a certified public accountant within twelve (12) months of each applicant's submission of the prequalification package. Each applicant must also provide and verify its most current financial statement, which must have been prepared within three (3) months of each applicant's submission of the prequalification package. Each statement must be signed under penalty of perjury by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. Finally, each applicant must submit 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 the applicant's current bonding capacity.

Financial statements submitted with this prequalification package shall not be prepared by any individual who is in the regular employ of the firm submitting the statement, nor by any individual or entity who has more than a ten percent (10%) financial interest in the firm's business. If the individual or entity that prepared a financial statement submitted with this prequalification package has <u>any</u> financial interest in the firm's business, the firm shall notify the District of such financial interest in a separate signed statement accompanying this prequalification package.

***Submission***

Applicants are encouraged to submit their completed prequalification application as soon as possible, so that they may be notified of prequalification status well in advance of the bid process or any applicable proposal deadline. Completed prequalification applications will not be accepted beyond the deadlines above. The completed prequalification applications should be sealed, marked "**CONFIDENTIAL PREQUALIFICATION APPLICATION**," and <u>mailed or delivered</u> to the following:

**Cutler-Orosi Joint Unified School District**
**Attention: Raffi Soghomonian**
**Director of Facilities, Maintenance, Operations & Transportation**
**12623 Avenue 416**
**Orosi, CA 93647**

Contractors are solely responsible for ensuring timely delivery to the person and address given above. The District will issue a written acknowledgement of receipt of a hand-delivered prequalification application upon the applicant's request at the time of delivery. If an applicant does not obtain proof of date of delivery, whether through a mailing tracked by a third party or a District receipt for hand delivery, then in any dispute regarding the date of delivery it will be presumed that the application was not timely delivered.

Any contractor that does not timely submit an application and is not already prequalified will not be eligible to bid or submit a proposal.

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

***Evaluation by the District***

The District will evaluate the information provided and issue each submitting contractor a rating of "Not Prequalified" or "Prequalified Up to _____ Dollars ($_____)." The District's decision will be based on the information provided, references, and such additional outside information as the District in its discretion deems reasonable and necessary to obtain. The District may, but is not obligated to, investigate the truth of any statements or information provided by a prospective bidder in response hereto.

Any contractor deemed prequalified by the District, whether done for a particular contract or through the annual process, will remain prequalified for any contract that has a bid opening or proposal deadline within one year of the District's written notification of prequalification to that contractor or, if no written notification is given, within one year of the District's receipt of that contractor's prequalification application. Any contractor that was previously prequalified by the District, and whose prequalification status has not expired as of the bid opening or proposal deadline for a contract, need not apply again for prequalification for that contract. The contractor bears full responsibility to track the expiration date of its prequalified status, to confirm with District that it is prequalified for the bid opening or proposal deadline of a contract, and to make sure that it re-applies for prequalification if necessary for a contract. The District will not notify a contractor, and has no responsibility to give notice to a contractor, of the expiration of its prequalification status, whether before or after the expiration.

### *Appeal*

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

### *Bids and Proposals*

A bid or proposal will not be accepted from any contractor that did not timely submit a completed prequalification questionnaire and supporting documents, including financial statements, to the District, unless the contractor was previously prequalified by the District within one year of the bid opening or proposal deadline. Omission of requested information, falsification of information, or failing to use the forms provided by the District may result in a finding of "Not Prequalified. No bid or proposal will be accepted from any contractors that was not timely deemed to be "prequalified" by the District.

Any mechanical, electrical, or plumbing contractor, as defined by Public Contract Code section 20111.6, required for any contract must be prequalified pursuant to these prequalification forms and requirements, and all general contractors must use prequalified mechanical, electrical, and plumbing subcontractors. If a mechanical, electrical, or plumbing subcontractor listed in any bid or proposal submitted by a general contractor is not prequalified, that general contractor's bid or proposal will not be accepted.

The District will provide a list of all prequalified contractors to all applicants at least five (5) business days prior to a deadline to submit bids or proposals for a contract, per Public Contract Code section 20111.6, subdivision (j).

The District reserves the right to amend the prequalification package at any time. The District reserves the right to waive minor irregularities and omissions in the information contained in any prequalification application submitted and to make all final determinations. Additionally, a determination by the District that a contractor is prequalified does not amount to a final determination that such contractor is responsible or responsive for purposes of evaluating a bid or proposal for a particular project. The District may, in accordance with applicable law and these procedures, reject a prequalified contractor's bid or proposal, and the District may additionally reject all bids or proposals received for a contract.

# PREQUALIFICATION APPLICATION

## Part I: Contractor's General/Financial Information Sheet

**NOTE: Information provided in response to Part I must be complete. Failure to provide all requested information will result in a "*not prequalified*" rating.**

**A. *General Information.***

Contractor's name as it appears on CSLB license:

_____

CIRCLE ONE: Corporation Partnership Limited Liability Company (LLC)

Sole Proprietorship Joint Venture

Contact Person: _____

Street Address (P.O. Box is not acceptable):

_____

Telephone: (___) _____ Fax: _____

E-mail address: _____

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

_____

If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license: _____

List your firm's DIR registration number: _____

**[*The remainder of this page is intentionally left blank*]**

**B.** ***History and Ownership of Firm.***

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

2. Has there been any change in ownership of the firm at any time during the last three years?

   **NOTE: A corporation whose shares are publicly traded is not required to answer this question; please indicate "N/A – Publicly traded corporation".**

   ☐ Yes ☐ No

   If yes, please provide details on a separate signed page.

3. 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 percent or more of another.**

   ☐ Yes ☐ No

   If yes, please provide details on a separate signed page.

4. Has any owner, partner, and/or officer of your firm operated or been connected to a construction firm under any other name not listed above at any time in the last five years?

   ☐ Yes ☐ No

   If yes, please provide details, including the person's name, construction firm name(s) and date(s) of participation on a separate signed page.

5. Please provide the information appropriate to your firm below.

**<u>For Firms That Are Corporations</u>:**

Date incorporated: _____

Under the laws of what state: _____

Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent of the corporation's stock.

| Name | Position | Years with Company | % Ownership |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

| | | | |
|---|---|---|---|
| | | | |
| | | | |

Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.**

| Person's Name | Construction Firm | Dates of Person's Participation with Firm |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

**For Firms That Are Limited Liability Companies (LLC):**

Date Article of Organization filed: _____

Under the laws of what state: _____

Provide all the following information for all members of the LLC.

| Name | Position | Years with Company | % Ownership |
|---|---|---|---|
| | | | |
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| | | | |
| | | | |
| | | | |

Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.**

| Person's Name | Construction Firm | Dates of Person's Participation with Firm |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

**For Firms That Are Partnerships:**

Date of formation: _____

Under the laws of what state: _____

Provide all the following information for each partner who owns 10 percent or more of the firm.

| Name | Position | Years with Company | % Ownership |
|---|---|---|---|
| | | | |
| | | | |
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Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

| Person's Name | Construction Company | Dates of Person's Participation with Company |
|---|---|---|
| | | |
| | | |
| | | |

**For Firms That Are Sole Proprietorships:**

Date of commencement of business: _____

Social security number of company owner: _____

Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

| Person's Name | Construction Company | Dates of Person's Participation with Company |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

**For Firms That Intend to Make a Bid or Submit a Proposal as Part of a Joint Venture:**

Date of commencement of joint venture: _____

Provide all of the following information for each firm that is a member of the joint venture that expects to submit a bid or proposal on one or more projects:

| Name of firm | % Ownership of Joint Venture |
|---|---|
| | |
| | |
| | |
| | |

On a separate sheet provide all other pertinent information required in the sections above, for each corporation, partnership, LLC, or sole-proprietorship that is a part of the joint venture.

FOR ALL FIRMS:

6. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

| **Construction Firm** | **Description of Sharing Agreement** | **Location of Facilities** |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

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

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

8. State the number of projects your firm has completed in each of the last three fiscal years:

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

9. Has your firm changed names or license number in the past five years?

   ☐ Yes ☐ No

   If yes, explain on a separate signed page, including the reason for the change.

10. Does your firm regularly utilize a third party consultant to review labor compliance documents of subcontractors on a public works project?

☐ Yes ☐ No

**C. *Bonding.***

11. Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

Please attach 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 your current bonding capacity.

_____

12. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

_____

_____

_____

_____

**D. *Financial Information.***

13. Please attach your most current reviewed or audited year-end financial statement, which must have been prepared by a certified public accountant, within twelve (12) months of submission of this prequalification package. Also, please provide your most current financial statement, which must have been prepared within three (3) months of submission of this prequalification package.

14. Name of accounting firm and primary contact:_____

_____

Address:_____

Telephone:_____

How many years has this accounting firm prepared financial statements for you? ___

15. Banking information:

Name of Bank:_____

Account Manager:_____

Address:_____

_____

Telephone:_____

Account No.:_____

Line of Credit:_____

Amount in Use:_____

How Secured:_____

Expiration Date:_____

(attach extra sheets for additional banks/accounts)

**E.** ***Recent Construction Projects.***

State the dollar amount of the largest public works contract (whether a prime contract or subcontract of any tier) that you have fully performed within the last five years, including all additive and deductive change orders: $_____

In addition, please provide the information requested below about each of the following:

(1) All public works projects for which a contract (whether a prime contract or a subcontract of any tier) was awarded or given to you and you are still performing the work on the contract;
(2) All of your public works contracts (including prime contracts and subcontracts of any tier) that you completed in the last 24 months; **and**
(3) All of your DSA-approved California K-12 school district public works contracts (including prime contracts and subcontracts of any tier) that you completed in the last three years that were not included in your response to (2) above.

Names and references must be current and verifiable.

Use separate sheets of paper that contain all of the following information for each public works contract requested above:

Contract Name: _____

Location: _____

Owner: _____

Owner contact (name and current phone number): _____

Architect or engineering firm: _____

Architect or engineer contact (name and current phone number): _____

Construction manager (name and current phone number): _____

Inspector of record (name and current phone #): _____

Description of contract and scope of work performed: _____

Total price of contract for construction (including in-project change orders and closeout change orders approved by the governing board): $_____

Date construction commenced: _____

Original contractual deadline for completion (as defined by that contract): _____

Adjusted contractual deadline for completion (as defined by that contract), based on time extensions granted by owner in board-approved change orders: _____

Actual date of completion (as defined by that contract): _____

If you were a subcontractor on this contract, also state the following:

Total price of your subcontract (including change orders): $_____

General contractor's project manager (lead contact in office): _____

General contractor's superintendent (lead contact on project site): _____

## F. Apprenticeship Program Information

16. Provide the name, address and telephone number of any apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the last three years, or from whom you intend to request and/or employ apprentices on any public work project awarded by the District.

_____

_____

17. If your firm operates its own State-approved apprenticeship program:

    (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

    (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

    (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

    _____

    _____

# PART II: Essential Requirements for Prequalification

**NOTE: Applicant will be immediately disqualified if answer to one of Questions 1-5 is "No."**

1. Do you possess a valid and current California contractor's license as required by law for the Project or projects for which you intend to submit a bid or proposal, or you intend to be included in a bid or proposal?

   ☐ **Yes** ☐ **No**

2. If you are a general contractor, do you have a liability insurance policy with a policy limit of at least $3,000,000 per occurrence and $5,000,000 aggregate? If you are a mechanical, electrical or plumbing subcontractor, do you have a liability insurance policy with a policy limit of at least $1,000,000 per occurrence and $2,000,000 aggregate?

   ☐ **Yes** ☐ **No**

3. Do you have current workers' compensation insurance policy as required by the Labor Code or are you legally self-insured pursuant to Labor Code section 3700 et seq.?

   ☐ **Yes** ☐ **No**

   ☐ Contractor is exempt from this requirement, because it has no employees.

4. Has your firm completed at least two California public school K-12 construction projects subject to DSA approval in the last five years (see response to Part I.E, above)?

   ☐ **Yes** ☐ **No**

5. Is your firm currently registered with the Department of Industrial Relations and qualified to submit a bid or proposal and to otherwise perform work on a public project pursuant to Section 1725.5 of the Labor Code?

   ☐ **Yes** ☐ **No**

**NOTE: Applicant will be immediately disqualified if the answer to one of Questions 6-12 is "Yes."**

6. Has your contractor's license been revoked or suspended at any time in the last five years, even if later reinstated retroactively?

   ☐ **Yes** ☐ **No**

7. At the time of submitting this prequalification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

☐ **Yes** ☐ **No**

8. Is your firm currently the debtor in a bankruptcy or receivership case?

☐ **Yes** ☐ **No**

9. Has a surety firm completed a contract on your behalf, or paid for completion of a contract because your firm was terminated by the project owner within the last five (5) years?

☐ **Yes** ☐ **No**

10. 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**

11. 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, antitrust statutes, racketeering statutes, safety and health statutes or regulations, environmental laws, laws banning workplace discrimination, or laws governing wages, hours or labor standards?

☐ **Yes** ☐ **No**

12. 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 act of dishonesty?

☐ **Yes** ☐ **No**

# Part III: Scored Questions

## A. Financial History & Licensing

1. Was your firm in bankruptcy or receivership any time during the last five years?

☐ **Yes** ☐ **No**

If yes, please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

2. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

☐ **Yes** ☐ **No**

## B. Disputes

3. At any time in the last five years, have liquidated damages been assessed against, levied against, or withheld from payments to, your firm 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, levied, or withheld by the owner, the amount of liquidated damages at issue, and all other information necessary to fully explain the assessment, levy, or withholding of liquidated damages.

4. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners were associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

**NOTE: "Associated" 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 Question B.4 in Part I of this form.**

☐ **Yes** ☐ **No**

If yes, explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

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

☐ **Yes** ☐ **No**

If yes, explain on a separate page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

**NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than $50,000.**

6. In the past five years, has any claim by a project owner (including a complaint) against your firm concerning your firm's work on a construction project, been filed in court or been the subject of arbitration?

☐ **Yes** ☐ **No**

If yes, on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature and amount of the claim (including a breakdown of the major elements 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).

7. In the past five years, has your firm filed any claim (including a complaint) in court or arbitration against a project owner concerning work on a project or payment for a contract?

☐ **Yes** ☐ **No**

If yes, on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature and amount of the claim (including a breakdown of the major elements 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).

8. Has your firm had a contract for a public work of improvement in the last five years that was terminated for cause by a public entity, or terminated in whole or in part with or without your consent? **Note: you need not answer "yes" if the public entity terminated the contract for convenience.**

☐ **Yes** ☐ **No**

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

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

☐ Yes ☐ No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

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

☐ Yes ☐ No

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

11. In the last 3 years has there been a claim against your Payment Bond?

☐ Yes ☐ No

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

## C. Insurance and Bonding

12. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ **Yes** ☐ **No**

If yes, how many instances? _____

13. During the last five years, was your firm required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked?

☐ **Yes** ☐ **No**

If yes, state the percentage that your firm was required to pay, identify the project, identify the owner, and identify the dates of the project. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so:

- ____%; the _____ Project for _____; _____, 20__.

14. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ **Yes** ☐ **No**

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

**D. Compliance with Law**

15. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

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

☐ **Yes** ☐ **No**

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

16. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

**Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.**

☐ **Yes** ☐ **No**

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

17. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

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

☐ **Yes** ☐ **No**

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

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

_____

19. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

**NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.**

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

Three-year average: _____

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

20. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ **Yes** ☐ **No**

**E. Prevailing Wage and Apprenticeship Compliance Record**

21. Has there been any occasion during the last five years on 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?

☐ **Yes** ☐ **No**

**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.**

If yes, attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

22. During the last five years, has there been any occasion on which your firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?

☐ **Yes** ☐ **No**

If yes, attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

23. Other than as already described in response to any question above, have any other labor or environmental charges or penalties been assessed or levied against, or paid by, your firm or the owner of a project on which your firm was the contractor in the past five years?

☐ **Yes** ☐ **No**

24. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

☐ **Yes** ☐ **No**

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

If yes, attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, and the public agency for which it was constructed.

# PART IV: CERTIFICATION

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

**Each person signing below makes the following representations under penalty of perjury:**

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on, or submit a proposal for, the Project, and any individual, company or other agency named herein is hereby authorized to supply the District with any information necessary to verify the applicant's statements. By signing below, the submitter and the named contractor hereby grant permission to the District to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

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

Executed this _____ day of _____, 20__, at _____.

_____
Signature

_____
Typed Name

_____
Contractor

(Add additional signature pages as necessary to comply with the directions above.)

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