

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**IMPORTANT INFORMATION: Please note: Declaration under penalty of perjury (last page of questionnaire) is required under State law. Failure to sign form will invalidate the prequalification packet. A passing score in general for prequalification does not guarantee that bidder will be eligible to bid this particular project. Contractors will receive a separate determination as to the overall prequalification dollar limit.**

**CONTACT INFORMATION**

Contractor \_\_\_\_\_  
(as it appears on license)

Check one of the following:

- Corporation
- Partnership
- Sole Proprietorship
- Joint Venture

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

Address (City, State, Zip): \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Company Website: \_\_\_\_\_

Contractor's License Number(s) and Types (Please include expiration date):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax ID Number \_\_\_\_\_

If firm is a sole proprietor or partnership:

Owner(s) of Company \_\_\_\_\_

Company Union Status:      Union              Non-Union

Minority Status:      MBE              DBE              DVBE              SBE              DBE

Other Minority Certification: \_\_\_\_\_

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

**Contractor will be immediately disqualified if the answer to any of questions 1 through 6 is “no.”<sup>1</sup>**

**To Contractors seeking prequalification as a subcontractor only: You must respond to all Part I questions, however your response to Part I, Question Number 5 will not be rated.**

**Contractor will be immediately disqualified if the answer to any of questions 7, 8, 9 or 10 is “yes.”<sup>2</sup> If the answer to question 9 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.**

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.  
 Yes     No
  
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.  
 Yes     No    **(Please provide a current Certificate of Insurance as verification)**
  
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     Contractor is exempt from this requirement, because it has no employees
  
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.<sup>3</sup>  
 Yes     No

**NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached;**

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<sup>1</sup> A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 7, 8, or 10 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 per cent of the qualifying amount provided in section 14837(d)(1).” As of August 12, 2013, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

**however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.**

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?<sup>4</sup>

Yes     No

**NOTE: Notarized statement must be from the surety company, not an agent or broker. Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

6. Are you currently registered with the Department of Industrial Relations in accordance with Labor Code section 1725.5?

Yes     No

If yes, what is your registration number \_\_\_\_\_.

Please submit proof of registration.

7. Has your contractor's license been revoked at any time in the last five years?

Yes     No

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

Yes     No

9. At the time of submitting this pre-qualification 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

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

\_\_\_\_\_

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<sup>4</sup> An additional notarized statement from the surety may be requested by **Berkeley Unified School District** at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

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

Yes     No

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

**A. Current Organization and Structure of the Business**

**For Firms That Are Corporations:**

- 1a. Date incorporated : \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. 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 per cent of the corporation’s stock.

Name	Position	Years with Co.	% Ownership	Last four Social Security *

- 1d. 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 per cent or more of the business, or 10 per cent 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:**

- 1a. Date of formation: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Last four Social Security #'s

\*last four numbers of Social Security is suitable.

- 1d. 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 per cent 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 Sole Proprietorships:**

- 1a. Date of commencement of business. \_\_\_\_\_
- 1b. Social security number of company owner. \_\_\_\_\_
- 1c. 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 per cent or more of the business, or ten per cent 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 as Part of a Joint Venture:**

- 1a. Date of commencement of joint venture. \_\_\_\_\_
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

**B. History of the Business and Organizational Performance**

2. How many years has your organization completed work for public agencies? Years: \_\_\_\_\_

3. Has your organization ever been licensed in California under a different name or different license number?

Yes  No

If “yes,” please list all name(s) and license number(s), on a separate signed page.

4. Are you currently pre-qualified with any other school district?

Yes  No

If yes, please identify the school district(s), with contact information and the dollar rating that you have been pre-qualified for at such school district(s), on a separate signed page.

5. 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.**

Yes  No

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

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

**NOTE: Include information (including license number(s)) about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes  No

If “yes,” explain on a separate signed page. Please include all name(s) and license number(s)

7. Are any corporate officers, partners or owners connected to any other construction firms?

**NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes  No

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

List your firm's gross revenues for each of the last three years:

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

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

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

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.

10. If your firm is not currently in bankruptcy, was your firm in bankruptcy at 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.

In what type of construction do you specialize?: \_\_\_\_\_

What was the largest amount of work completed in one year:  
\_\_\_\_\_

Number of projects: \_\_\_\_\_ Year: \_\_\_\_\_ Amount of Largest Project: \_\_\_\_\_

### C. Licenses

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

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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.

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11. 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.

12. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes  No

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

13. 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

If "yes," please explain on a separate signed sheet.

#### **D. Surety and Bonding Information**

Bonding capacity: **Please provide a letter stating bondability from current surety company.** Also, please provide documentation from your surety (not agency) identifying the following: **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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

Name of surety agent/contact person, address and telephone number:

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14. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do

so. **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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*(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)*

List all other sureties, not agencies (name, contact person, full address, phone number, largest bond obtained) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds (If necessary, list on separate signed sheet) **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.:**

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15. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

*(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)*

16. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

17. Has your firm ever failed to complete a contract?

Yes     No

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

How many projects is your firm currently bonded for? \_\_\_\_\_

What are the contract amounts your firm has currently bonded?

Contracts	Amount Bonded

**E. Insurance**

Insurance Company: \_\_\_\_\_

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

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

Phone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

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

18. How long have you been with this insurance company?

\_\_\_\_\_

If less than two years, please list prior insurance companies below:

Insurance Company	Address	Phone	Contact Person	Year(s)

19. 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,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

20. Has your organization ever had insurance terminated by a carrier in the past five (5) years due to an excessive claims history and/or nonpayment of premium?

If “yes,” explain on a separate signed sheet. Name the insurance carrier, the form of insurance, and year of termination.

**F. Safety Program & Workers’ Compensation**

Each bidder shall submit a copy of the Table of Contents from bidder’s established safety/injury prevention program which complies with the Contract Documents and all applicable governmental regulations. After determination of the successful bidder, its subcontractors must submit a copy of their respective safety/injury prevention programs within five (5) days of the District’s request.

Bidder: \_\_\_\_\_

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

By: \_\_\_\_\_

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

Each bidder shall submit its workers’ compensation experience modification factor. After determination of the successful bidder, its subcontractors must submit their workers compensation modification factor within five (5) days of District’s request.

21. List your firm's Experience Modification Rate (EMR) (California Workers' Compensation Insurance) for each of the past premium years:

Current Year: \_\_\_\_\_

Previous Year: \_\_\_\_\_

Year Prior to Previous Year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.25 or higher you may, if you wish, attach a letter of explanation.

22. 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

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

**G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

Each bidder, and its subcontractors, must declare any serious or willful violations of Part 1 (commencing with Section 6300) of Division 5 of the California Labor Code received during the last five years. This information must include all construction work undertaken in the United States by the bidder and any affiliate of the bidder. Separate information shall be submitted for each particular partnership, joint venture, corporation, Limited Liability Company or individual bidder or subcontractor. The bidder or its subcontractors may be requested to submit additional information or explanation of data, which District may require for evaluating the safety record. The term "affiliate" shall mean any firm, corporation, partnership, joint venture, limited liability company or association which is a member, joint venturer or partner of the bidder, or any such entity which owns a substantial interest in, or is owned in common with, the bidder, its subcontractor or any of its members, joint venturers or partners, or any such entity in which the bidder, its subcontractor, or any of their members, joint venturers or partners own a substantial interest.

23. Has your firm ever received a serious or willful safety violation during the last five (5) years?

Yes  No

If “yes,” attached a separate signed page describing the violation, including information about the dates, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any.

24. 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,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

25. 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 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.

26. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board or any local authorities 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.

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

\_\_\_\_\_

28. How often do you conduct documented safety inspections on a construction site?

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Quarterly \_\_\_\_\_

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

Yes  No

30. Have any of your subcontractors you retained ever received a serious or willful industrial safety violation during the last five (5) years?

Yes  No

If “yes,” attach a separate signed page listing each subcontractor, its license number and provide a brief explanation.

#### **H. Prevailing Wage and Apprenticeship Compliance Record**

31. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the state’s prevailing wage laws? **NOTE: This question refers only to your own firm’s violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.**

Yes  No

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.

32. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?

Yes  No

If “yes,” attach a separate signed page 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.

33. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the District.

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34. 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.

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35. 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? **NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.**

Yes     No

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

**I. Disputes**

36. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

Yes     No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

37. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? **NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

Yes  No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification 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.

38. 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 signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

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**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.**

39. In the past five years has any claim **against** your firm concerning your firm's work on a construction project in California been **filed in court or 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 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).

40. In the past five years has your firm made any claim against a project owner concerning work on a project in California or payment for a contract in California and **filed that claim in court or arbitration**?

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 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).

**J. Criminal Matters and Related Civil Suits**

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

Yes  No

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

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

Yes  No

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

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

Yes  No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**PART III. FINANCIAL INFORMATION**

Audited or reviewed statements are required for all construction projects totaling over \$1,000,000 or more (A certificate of a licensed accountant will be required in all cases).

**1. COMPLETE THIS CERTIFICATE FOR A REVIEW ONLY OF FINANCIAL STATEMENT**

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

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

\_\_\_\_\_  
(Type Name of Firm)

\_\_\_\_\_  
(Accountant Signature)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(License Number)

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

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**PART IV. FINANCIAL INFORMATION**

Audited or reviewed statements are required for all construction projects totaling over \$1,000,000 or more (A certificate of a licensed accountant will be required in all cases)

**1. COMPLETE THIS CERTIFICATE FOR AN AUDIT OF FINANCIAL STATEMENT**

STATE OF: \_\_\_\_\_

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

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

\_\_\_\_\_  
(Type Name of Firm)

\_\_\_\_\_  
(Accountant Signature)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(License Number)

Special Note to Accountant: the above Certificate of Accountant shall not be made by any individual who is in the regular employ of the individual, partnership or corporation submitting the statement; or by any individual who is a member of the firm with more than ten percent financial interest.

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**ACCOUNTANT'S RELEASE LETTER**

By signing the form below, I authorize the **Berkeley Unified School District** to contact our company's licensed accounting firm to verify our most recent audited or reviewed financial statement. I understand the financial statement is confidential information and is not open to public inspection.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE**

**PREQUALIFICATION STATEMENT FOR**

**Berkeley Unified School District**

Each prospective bidder must have a current and active license at the time of the award and must submit the following information on this form.

**DECLARATION**

I, \_\_\_\_\_ (printed name) hereby declare that I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (name of bidder) submitting this Prequalification Statement; that I am duly authorized to execute this Prequalification Statement on behalf of the above-named company; and that all information set forth in this Prequalification Statement and all attachments hereto are, to the best of my knowledge, true, accurate, and complete as of its submission date. I acknowledge that any false statements, inaccuracies or failure to disclose are grounds for disqualification. In executing this Declaration, I hereby permit the **Berkeley Unified School District** to contact any owner, school district, contractor, subcontractor, supplier or any other party that the **Berkeley Unified School District** deems relevant for purposes of verifying or gathering any information necessary to complete the evaluation of this pre-qualification submittal.

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

Subscribed at \_\_\_\_\_ (location and city), County of \_\_\_\_\_, State of \_\_\_\_\_, on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Signature)

(If signed by other than the sole proprietor, a general partner, or corporate officer, attach original notarized power of attorney or corporate resolution.)

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.

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE SCORING**

**PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

**Contractor will be immediately disqualified if the answer to any of questions 1 through 6 is “no.”<sup>1</sup>**

**To Contractors seeking prequalification as a subcontractor only: You must respond to all Part I questions, however your response to Part I, Question Number 5 will not be rated.**

**Contractor will be immediately disqualified if the answer to any of questions 7, 8, 9 or 10 is “yes.”<sup>2</sup> If the answer to question 9 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.**

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.

Yes    No

2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.

Yes    No   **(Please provide a current Certificate of Insurance as verification)**

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

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

Yes    No

**NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.**

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<sup>1</sup> A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 7, 8, or 10 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 per cent of the qualifying amount provided in section 14837(d)(1).” As of August 12, 2013, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?<sup>4</sup>

Yes  No

**NOTE: Notarized statement must be from the surety company, not an agent or broker. Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

6. Are you currently registered with the Department of Industrial Relations in accordance with Labor Code section 1725.5?

Yes  No If yes, what is your registration number \_\_\_\_\_.

Please submit proof of registration.

7. Has your contractor's license been revoked at any time in the last five years?

Yes  No

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

Yes  No

9. At the time of submitting this pre-qualification 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

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

\_\_\_\_\_

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

Yes  No

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<sup>4</sup> An additional notarized statement from the surety may be requested by Berkeley Unified School District at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid

**Berkeley Unified School District PREQUALIFICATION QUESTIONNAIRE SCORING**

**PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

**A. Current Organization and Structure of the Business**

**For Firms That Are Corporations:**

- 1a. Date incorporated : \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. 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 per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Last four Social Security *

- 1d. 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 per cent or more of the business, or 10 per cent 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:**

- 1a. Date of formation: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Last four Social Security #'s

\*last four numbers of Social Security is suitable.

- 1d. 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 per cent 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:**

- 1a. Date of commencement of business. \_\_\_\_\_
- 1b. Social security number of company owner. \_\_\_\_\_
- 1c. 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 per cent or more of the business, or ten per cent 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 as Part of a Joint Venture:**

- 1a. Date of commencement of joint venture. \_\_\_\_\_
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

**B. History of the Business and Organizational Performance**

2. How many years has your organization completed work for public agencies? Years: \_\_\_\_\_

**6 or more years=5**

**5 years=4**

**4 years=3**

**3 years=2**

**1 full year =1**

3. Has your organization ever been licensed in California under a different name or different license number?

Yes  No

If "yes," please list all name(s) and license number(s), on a separate signed page.

**No=3; Yes=(Adjustment to 2 if reason for different name or different license number is a because of a legal merger.)**

4. Are you currently pre-qualified with any other school district?

Yes  No

If yes, please identify the school district(s), with contact information and the dollar rating that you have been pre-qualified for at such school district(s), on a separate signed page.

**No=0; Yes=3**

5. 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.**

Yes  No

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

**No=3; Yes=0**

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

**NOTE: Include information (including license number(s)) about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes  No

If "yes," explain on a separate signed page. Please include all name(s) and license number(s)

**No=3; Yes=0 (Adjustment to 2 if reason firm is a subsidiary, parent, holding company or affiliate of another construction firm is because of a legal merger.)**

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

Yes  No

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

**No=3; Yes =0 (Adjustment to 2 if the name of other construction firms corporate officers, partners or owners are connected to, are connected to current applicant firm by way of legal merger.)**

List your firm's gross revenues for each of the last three years:

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

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

**6 or more years=5**

**5 years=4**

**4 years=3**

**2-3 years=2**

**1 full year=1**

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

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.

**No=3; Yes=0**

10. If your firm is not currently in bankruptcy, was your firm in bankruptcy at 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.

In what type of construction do you specialize?: \_\_\_\_\_

**No=3; Yes=0**

What was the largest amount of work completed in one year:

\_\_\_\_\_

Number of projects: \_\_\_\_\_ Year: \_\_\_\_\_ Amount of Largest Project: \_\_\_\_\_

### C. Licenses

List all California construction license numbers, classifications and expiration dates of the California contractor 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.

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

11. 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.

**No=3; Yes=0 (Adjustment to 2 if reason for changed name or license number because of a legal merger)**

12. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes  No

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

**No=3; Yes =0 (Adjustment to 2 if name of other firm operated by any owner, partner or (for corporations) officer was or is a firm that legally merged with current applicant firm.)**

13. 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

If “yes,” please explain on a separate signed sheet.

**No=5; Yes=0**

**D. Surety and Bonding Information**

Bonding capacity: **Please provide a letter stating bondability from current surety company.** Also, please provide documentation from your surety (not agency) identifying the following: **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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

Name of surety agent/contact person, address and telephone number:

\_\_\_\_\_

14. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so. **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

**No=5**

**Over 1% but not over 1.25%=4**

**Over 1.25% but not over 1.5%=3**

**Over 1.5%=0**

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

List all other sureties, not agencies (name, contact person, full address, phone number, largest bond obtained) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds (If necessary, list on separate

signed sheet) **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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15. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

**No=5; Yes=0**

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

16. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

**No=5**

**Yes (1 claim)=5**

**Yes (2 claims)=3**

**Yes (more than 2 claims)=SUBTRACT 5 points**

**(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)**

17. Has your firm ever failed to complete a contract?

Yes     No

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

**No=3; Yes=0**

How many projects is your firm currently bonded for? \_\_\_\_\_

What are the contract amounts your firm has currently bonded?

Contracts	Amount Bonded

**E. Insurance**

Insurance Company:

\_\_\_\_\_

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

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

Phone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

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

18. How long have you been with this insurance company?

\_\_\_\_\_

**5 or more years=3**

**2 to 4 years=1**

**1 year or less=0**

If less than two years, please list prior insurance companies below:

Insurance Company	Address	Phone	Contact Person	Year(s)

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19. 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,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

**No=5**

**Yes (1 instance)=5**

**Yes (2 instances)=3**

**Yes (more than 2 instances)=0**

20. Has your organization ever had insurance terminated by a carrier in the past five (5) years due to an excessive claims history and/or nonpayment of premium?

If “yes,” explain on a separate signed sheet. Name the insurance carrier, the form of insurance, and year of termination.

**No=3; Yes=0**

**F. Safety Program & Workers’ Compensation**

Each bidder shall submit a copy of the Table of Contents from bidder’s established safety/injury prevention program which complies with the Contract Documents and all applicable governmental regulations. After determination of the successful bidder, its subcontractors must submit a copy of their respective safety/injury prevention programs within five (5) days of the District’s request.

Bidder: \_\_\_\_\_

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

By: \_\_\_\_\_

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

Each bidder shall submit its workers’ compensation experience modification factor. After determination of the successful bidder, its subcontractors must submit their workers compensation modification factor within five (5) days of District’s request.

21. List your firm's Experience Modification Rate (EMR) (California Workers' Compensation Insurance) for each of the past premium years:

Current Year: \_\_\_\_\_

Previous Year: \_\_\_\_\_

Year Prior to Previous Year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.25 or higher you may, if you wish, attach a letter of explanation.

**3 year average EMR of .95 or less=5 points**

**3 year average EMR of over .95 but no more than 1.0=3 points**

**Over 1.0=0**

22. 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

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

**No=5**

**Yes (1 instance)=5**

**Any other answer=0**

**G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

Each bidder, and its subcontractors, must declare any serious or willful violations of Part 1 (commencing with Section 6300) of Division 5 of the California Labor Code received during the last five years. This information must include all construction work undertaken in the United States by the bidder and any affiliate of the bidder. Separate information shall be submitted for each particular partnership, joint venture, corporation, Limited Liability Company or individual bidder or subcontractor. The bidder or its subcontractors may be requested to submit additional information or explanation of data, which District may require for evaluating the safety record. The term "affiliate" shall mean any firm, corporation, partnership, joint venture, limited liability company or association which is a member, joint venturer or partner of the bidder, or any such entity which owns a substantial interest in, or is owned in common with, the bidder, its subcontractor or any of its members, joint venturers or partners, or any such entity in which the

bidder, its subcontractor, or any of their members, joint venturers or partners own a substantial interest.

23. Has your firm ever received a serious or willful safety violation during the last five (5) years?

Yes  No

If “yes,” attached a separate signed page describing the violation, including information about the dates, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any.

**No=3**

**Yes=1**

**Yes=0 (more than 1 occasion)**

24. 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,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

*If the firm’s average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

**No=5**

**Yes = (1 instance)=5**

**Yes = (2 instance)=3**

**Yes=(more than 2 instances)=0**

*If the firm’s average gross revenues for the last three years were more than \$50 million, scoring is as follows:*

**No =5**

**Yes (1,2, or 3 such instances)=5**

**Yes (4 or 5 such instances)=3**

**Yes (more than 5 instances)=0**

25. 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 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.

*If the firm’s average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

No=5

Yes=(1 instance)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

*If the firm’s average gross revenues for the last three years were more than \$50 million, scoring is as follows:*

No=5

Yes (1, 2, or 3 such instances)=5

Yes (4 or 5 such instances)=3

Yes (more than 5 instances)=0

26. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board or any local authorities 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.

*If the firm’s average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

No=5

Yes= (1 instance)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

*If the firm’s average gross revenues for the last three years were more than \$50 million, scoring is as follows:*

No=5

**Yes (1, 2, or 3 such instances)=5**  
**Yes (4 or 5 such instances)=3**  
**Yes (more than 5 instances)=0**

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

\_\_\_\_\_

**Meeting once a week or more=3**  
**Any other=0**

28. How often do you conduct documented safety inspections on a construction site?

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Quarterly \_\_\_\_\_

**Meeting daily=3**  
**Meeting weekly=1**  
**Any other=0**

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

Yes  No

**Yes=3; No=0**

30. Have any of your subcontractors you retained ever received a serious or willful industrial safety violation during the last five (5) years?

Yes  No

If "yes," attach a separate signed page listing each subcontractor, its license number and provide a brief explanation.

**No=3; Yes=1 (1 occasion); Yes=0 (more than 1 occasion)**

#### **H. Prevailing Wage and Apprenticeship Compliance Record**

31. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws? **NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.**

Yes  No

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.

***If the firm's average gross revenues for the last three years were less than \$50million, scoring is as follows:***

No=5  
Yes (1 or 2 such instances)=5  
Yes (3 instances)=3  
Yes (more than 3 instances)=0

***If the firm's average gross revenues for the last three years were more than \$50million, scoring is as follows:***

No=5  
Yes (no more than 4 instances)=5  
Yes (5 or 6 instances)=3  
Yes (more than 6 instances)=0

32. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?

Yes     No

If "yes," attach a separate signed page 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.

***If the firm's average gross revenues for the last three years were less than \$50million, scoring is as follows:***

No=5  
Yes (1 or 2 such instances)=5  
Yes (3 instances)=3  
Yes (more than 3 instances)=0

***If the firm's average gross revenues for the last three years were more than \$50million, scoring is as follows:***

No=5  
Yes (no more than 4 instances)=5  
Yes (5 or 6 instances)=3  
No=5; Yes (1 or 2 such instances)=5; Yes (3 instances)=3  
Yes (more than 3 instances)=0

33. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the District.

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**If at least one approved apprenticeship program listed=5 points**  
**Any other answer=0**

34. 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.

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**If one or more persons completed an approved apprenticeship program while employed by the firm=5 points;**  
**If no persons completed an approved apprenticeship while employed by the firm=0 points**

35. 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? **NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.**

Yes     No

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

*If the firm's average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

**No=5**

**Yes (1 or 2 such instances)=5**

**Yes (3 instances)=3**

**Yes (more than 3 instances)=0**

*If the firm's average gross revenues for the last three years were more than \$50million, scoring is as follows:*

**No =5**

**Yes (no more than 4 such instances)=5**

**Yes (5 or 6 such instances)=3**

**Yes (more than 6 instances)=0**

## **I. Disputes**

36. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

Yes  No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

**No projects with liquidated damages of more than \$50,000=5 points**

**One project with liquidated damages=5 points**

**Two projects with liquidated damages of more than \$50,000=3 points**

**Any other answer=0 points**

37. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? **NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

Yes  No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification 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.

**No=5; Yes=0**

38. 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 signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

No=5; Yes=0

\* \* \* \* \*

**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.**

39. In the past five years has any claim **against** your firm concerning your firm’s work on a construction project in California been **filed in court or 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 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).

*If the firm’s average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

No=5

Yes (1 such instances)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

*If the firm’s average gross revenues for the last three years were more than \$50 million, scoring is as follows:*

No=5

Yes (1, 2, or 3 such instances)=5

Yes (4 or 5 such instances)=3

Yes (more than 5 instances)=0

40. In the past five years has your firm made any claim against a project owner concerning work on a project in California or payment for a contract in California and **filed that claim in court or arbitration?**

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 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).

***If the firm’s average gross revenues for the last three years were less than \$50 million, scoring is as follows:***

**No=5**

**Yes (1 such instance)=5**

**Yes (2 instances)=3**

**Yes (more than 2 instances)=0**

***If the firm’s average gross revenues for the last three years were more than \$50 million, scoring is as follows:***

**No=5**

**Yes (1, 2, or 3 such instances)=5**

**Yes (4, or 5 such instances)=3**

**Yes (more than 5 instances)=0**

**J. Criminal Matters and Related Civil Suits**

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

Yes    No

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

**No=5; Yes=SUBTRACT 5 points**

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

Yes    No

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

**No=5; Yes=SUBTRACT 5 points**

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

Yes    No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

**No=5; Yes=SUBTRACT 5 points**