

***Prequalification of Contractors for
Demolition, Abatement, and Remediation
Services for San Mateo County Replacement
Correctional Facility***



San Mateo County Sheriff's Office

Issued: March 30, 2012

Statement of Qualifications due: April 16, 2012, 2:30 pm

Lieutenant Deborah Bazan, Project Executive,
San Mateo County Sheriff's Office
Jail Planning Unit
400 County Center, 3rd floor
Redwood City, CA 94063
Telephone: (650) 508-6721
Email: dbazan@smcgov.org

PART 1 – INTRODUCTION

- 1.01** The County of San Mateo (“County”) invites submittals of “Statements of Prequalification’s (“SOQ”) from highly qualified Demolition, Asbestos and Lead Abatement, and Soil Remediation contracting firms (“Prospective Bidders”) interested in contracting with the County to provide demolition, abatement, and remediation contracting services with a lump sum price for the County’s Replacement Correctional Facility (“Project”).
- 1.02** This Request for Statements of Prequalification’s (“SOQ”) is the first stage of the County’s selection process for Demolition, Asbestos and Lead Abatement, and Soil Remediation services that will culminate in award of the contract.
- 1.03** This SOQ of the selected Prospective Bidder will be included in the contract for the project following award.

PART 2–SUBMISSION OF STATEMENT OF PREQUALIFICATION’S

- 2.01** Prospective Bidders are requested to submit an original, signed SOQ, together with seven (7) copies, and one (1) electronic copy, **no later than 2:30 PM on April 16, 2012** to:

Lieutenant Deborah Bazan, Project Executive
San Mateo County Sheriff’s Office
Jail Planning Unit
400 County Center, 3rd floor
Redwood City, CA 94063
Telephone: (650) 508-6721
Email: dbazan@smcgov.org

- 2.02** The SOQ should have complete information regarding the experience and qualifications of Prospective Bidder.
- 2.03** The signed, original SOQ’ should include a statement signed by an owner, officer, or authorized agent of the Prospective Bidder, acknowledging and accepting the terms and conditions of this SOQ.

PART 3 – SHERIFF’S OFFICE BACKGROUND

- 3.01** The San Mateo County Sheriff’s Office is managed by a Sheriff who is directly elected for a four-year term. In addition to overseeing all adult correctional facilities in San Mateo County, the Sheriff is responsible for patrol services in both unincorporated areas of the county and contract cities, investigations, custody, security in the courts, and various administrative functions.
- 3.02** The incumbent Sheriff is Greg Munks. Directly under his command are Undersheriff Carlos Bolanos and Assistant Sheriff Trisha Sanchez. Overseeing this RFSOQ is the Jail Planning Lieutenant Deborah Bazan, Project Executive.

PART 4 – STATEMENT OF PREQUALIFICATIONS

- 4.01** San Mateo County Sheriff Greg Munks is seeking responses from qualified contracting firms who have demonstrated the ability to provide Demolition, Asbestos and Lead Abatement, and Soil Remediation services.
- 4.02** Prospective Bidders should address every item listed in this SOQ, even if the item was addressed previously in the SOQ. Brevity and clarity are of utmost importance. SOQ’s that are comprised of standard marketing materials that do not specifically address the items below will not be evaluated; however, Prospective Bidders may include seven (7) bound copies of their marketing

materials, as long as they are not permanently attached to the SOQ. SOQ's that do not comply with all applicable requirements will not be considered.

PART 5 – BASIC SCOPE AND CHARACTER OF PROJECT AND SERVICES REQUIRED

5.01 Scope of Project

The Project will be to provide all labor, materials, equipment, tools, transportation, insurance and services to remove: all asbestos and lead containing materials; all CFC Freon; all mercury tubes and switches; all PCB ballasts; the complete demolition of approximately 6,300 SF of office building, 36,000 SF of warehouse buildings with approximately 2,400 SF of awnings; the removal of all out buildings and structures; the removal and recycling off-site of all asphalt paving and concrete slabs; the off-site disposal of all debris at a permitted facility; and the cutting, capping and removal of all above grade and below grade utilities.

The remediation of soil (70 Chemical Way only) will include: excavation of approximately 4,700 cubic yards of contaminated soil up to approximately 8-feet below ground surface; transportation and offsite disposal of excavated soil at an appropriate disposal facility; import of clean fill material for backfilling; backfilling and compaction of excavation; dust control and air monitoring; and implementation of erosion controls.

It is anticipated that the demolition and remediation work would be performed in phases. The first phase entails demolition including asbestos and lead abatement and soil remediation at 70 Chemical Way. The second phase entails demolition including asbestos abatement and lead abatement at 20, 50 and 80 Chemical Way.

5.02 Construction Phase Services shall include but not be limited to:

- A. Management and supervision of the construction activities and site logistics to meet project schedule.
- B. Establishment and implementation of a project safety program and a quality control program.
- C. Preparation of weekly project updates including: progress reports, progress photographs, projected project schedule, and other information as requested by County.

5.02 Post-Construction Phase services shall include but not be limited to:

- A. Collaborating with the Project Environmental Consultant.
- B. Preparation and delivery of required waste disposal manifests and/or bills of lading.

PART 6 – FORMAT FOR THE STATEMENT OF QUALIFICATIONS

6.01 The SOQ should be bound and printed vertically ("portrait" orientation) on standard 8 ½" by 11" paper. The SOQ's should not exceed **50 pages, single sided** (excluding resumes, lists of projects, and any marketing materials), but will preferably be much shorter. Type size should be no smaller than 10 point, but preferably larger.

6.02 The top of page one of the SOQ should state the Prospective Bidder's name, address, phone number, fax number, e-mail address, and contact name. No cover letter is necessary.

PART 7 – ADMINISTRATIVE REQUIREMENTS AND POLICIES

- 7.01** Prospective Bidders will be required to comply with all nondiscrimination employment regulations, including:
- A. No person shall, on the grounds of race, color, creed, national origin, religious affiliation or non-affiliation, sex, sexual orientation, marital status, age (over 40), disability, medical condition (including but not limited to AIDS, HIV positive diagnosis or cancer), political affiliation or union membership be excluded from participation in, be denied the benefits of, or be subjected to discrimination under this Agreement.
 - B. Prospective Bidders shall ensure equal employment opportunity based on objective standards of recruitment, selection, promotion, classification, compensation, performance evaluations, and management relations, for all employees under any contract that may result from this submittal. Prospective Bidders' personnel policies shall be made available to County upon request.
 - C. Prospective Bidders shall assure compliance with section 504 of the Rehabilitation Act of 1973 by submitting a signed letter of compliance. Prospective Bidders shall be prepared to submit a self-evaluation and compliance plan to County upon request within one (1) year of the execution of any agreement that may result from this submittal.
 - D. Prospective Bidders must comply with the County Ordinance Code with respect to the provision on employee benefits. As set forth in the ordinance, such Prospective Bidders are prohibited from discriminating in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse.
- 7.02** The County reserves the right to accept or reject any or all SOQ's submitted, or to request clarification or additional information or an alternative presentation of data from any Prospective Bidder, at the County's sole discretion. Further, while every effort has been made to ensure the information presented in the RFSOQ is accurate and thorough, the County accepts no responsibility or liability for any unintentional errors or omissions in this document.
- 7.03** Should Prospective Bidder realize during the review process that there has been a substantive error or omission in its submittal, which does not alter basic services and has not already resulted in disqualification from participating in the SOQ process for other reasons, said Prospective Bidder is invited to submit to the Project Executive a written request and explanation of Prospective Bidder's desire to correct its submittal. It shall be at the sole discretion of the County's selection committee to decide whether to grant Prospective Bidder's request to correct its SOQ submittal.
- 7.04** All submittals become the property of the County and as such become public documents available to be reviewed by the public upon request. The Government Code Sections 6250 et. seq., the Public Records Act, define public record as any writing containing information relating to the conduct of public business. This applies to submittals pursuant to this RFSOQ. The Public Records Act provides that public records shall be disclosed upon written request, and that any citizen has the right to inspect any public record, unless the document is exempted from the disclosure requirements. The County cannot represent or guarantee that any information submitted in response to the RFSOQ will be confidential.

If the County receives a request for any document submitted in response to this RFSOQ, it will not assert any privileges that may exist on behalf of the person or business submitting the SOQ. Rather, the County will notify the party whose SOQ is being sought. In the event that a party who has submitted a SOQ wishes to prevent disclosure, it is the sole responsibility of that party to assert any applicable privileges or reasons why the document should not be produced, and to obtain a court order prohibiting disclosure.

- 7.05** Successful and unsuccessful Prospective Bidders will receive a written notification of whether their submittal was elevated to the next phase of finalist evaluation. The written notification will be sent to the name and address of the authorized officer of the firm provided in the SOQ submittal. The timing of written notification to Prospective Bidder is entirely at the County's sole discretion.

PART 8 – REVIEW PROCESS

8.01 Review of SOQ's

- A. The County will evaluate the information based on materials submitted in response to this RFSOQ.
- B. Prospective Bidders should prepare their response according to the RFSOQ format, i.e., by section and paragraph of this RFSOQ. The County reserves the right to reject any SOQ not submitted within the required timeframe; reject any incomplete SOQ submitted; contact client references; require further information; and/or require interviews with any Prospective Bidder. All costs related to the preparation, submittal, and/or presentation of an SOQ are the responsibility of the Prospective Bidder and will not be assumed in full or in part by the County.
- C. Following a review of the submitted SOQ's, the Sheriff will inform each Prospective Bidder in writing as to whether it is qualified to submit a bid.

8.02 Appeal of Disqualification

Prospective Bidder may dispute its disqualification as follows: The Prospective Bidder may, within two business days of receipt of the County's letter of disqualification, rebut in writing any evidence used as a basis for disqualification and present written evidence as to why the Prospective Bidder should be found qualified. The Sheriff, or his designee, will review the Prospective Bidder's letter and make a final determination within fourteen calendar days of receipt. The Sheriff's decision shall be made at least one day prior to the closing time for receipt of bids and shall be final. Written appeals should be addressed directly to Sheriff Greg Munks at 400 County Center, Redwood City, CA 94063. Appeals received after the deadline will not be accepted.

PART 9 – GENERAL CONDITIONS

- 9.01** The SOQ should be clear and concise to enable the County to make a thorough evaluation and arrive at a sound determination as to whether the SOQ meets the County's requirements. To this end, each SOQ should be specific, detailed, and complete as to clearly and fully demonstrate that the Prospective Bidder has a thorough understanding of and has demonstrated knowledge of the requirements to perform the work (or applicable portion thereof). The SOQ must be verified under oath by the Prospective Bidder and each of its members.

- 9.02** Any explanation or question from a Prospective Bidder regarding the meaning or interpretation of this RFSOQ must be requested in writing by email only to Lieutenant Deborah Bazan, Project Executive (dbazan@smcgov.org) by April 9, 2012 at 5:00 pm. Responses to submitted questions will be posted on the Sheriff's Office Jail Planning webpage by April 11, 2012 at 5:00 pm. Do not contact staff or consultants with questions or clarifications.
- 9.03** The submission of a SOQ does not commit County to award a contract for the Project, to pay costs incurred in the preparation of a SOQ or to procure or contract for any services. Costs for preparing the SOQ will be paid entirely by the Prospective Bidders.
- 9.04** County reserves the right to interpret or change any provision of this RFSOQ at any time prior to the SOQ submission date. Such interpretations or changes shall be in the form of addenda to this RFSOQ and posted on the Sheriff's Office webpage. County, in its sole discretion, may determine that a time extension is required for submission of SOQ's, in which case such addenda shall indicate a new SOQ submission deadline. County reserves the right to waive inconsequential deviations from stated requirements.
- 9.05** County retains the right to reject any and all SOQ's, to contract work with whomever and in whatever manner County decides, or to abandon the work entirely. County shall make final decisions regarding a Prospective Bidder's qualifications as of Bid day. All decisions concerning Prospective Bidder selection shall be made in County's best interests.
- 9.06** County has made a determination in accordance with Section 6255 of the Government Code that all SOQ's submitted in response to this RFSOQ shall not be made public by County until after County issues a notice of intent to enter into a Contract with the successful Prospective Bidder. In addition, County has made a determination in accordance with Section 6255 of the Government Code that all Prospective Bidder proprietary financial information submitted in response to this RFSOQ and specifically identified by the Prospective Bidder as "confidential" will not be made public by County and will be returned to each Prospective Bidder, unless otherwise required by law. In the event a Prospective Bidder wishes to claim other portions of its SOQ exempt from disclosure under the Public Records Act, Prospective Bidder should clearly identify those portions with the word "confidential" printed on the lower right-hand corner of the page, along with a written justification as to why such information should be exempt from disclosure. Blanket designations of "confidential" shall not be effective. However, County will make a decision based upon applicable law.
- A. County will notify the applicable Prospective Bidders of any requests for disclosure under the Public Records Act. Prospective Bidders agree to defend and indemnify County from any claims and/or litigation arising from such requests.
- B. Proprietary or confidential data should be readily separable from the SOQ in order to facilitate eventual public inspection of the non-confidential portion of the SOQ. Confidential data is normally restricted to confidential financial information. The price of products offered or the cost of services shall not be designated as proprietary or confidential information.

PART 10 – PROJECT EXECUTIVE

10.01 All written inquiries and requests for additional information pertaining to this RFSOQ, any Addendum, must, unless otherwise identified in an Addendum, be directed to the following designated Project Executive:

Lieutenant Deborah Bazan, Project Executive
San Mateo County Sheriff's Office
Jail Planning Unit
400 County Center 3rd floor
Redwood City, CA 94063
Telephone: (650) 508-6721
Email: dbazan@smcgov.org

SAN MATEO COUNTY SHERIFF'S OFFICE
Greg Munks, Sheriff

ANTICIPATED SCHEDULE OF EVENTS FOR RFSOQ PROCESS

Sheriff Issues SOQ	March 30, 2012
Questions via email due: 5:00 pm	April 9, 2012
Responses to Questions Posted on Sheriff's Webpage	April 11, 2012
Qualification submittals due: 2:30 pm	April 16, 2012
Review SOQ submittals	April 16/17, 2012
Letter of Qualification/Disqualification sent to Prospective Bidders	April 17, 2012
Request for Bids sent to pre-qualified Prospective Bidders	April 17, 2012
Mandatory Job Walk for prequalified Prospective Bidders	April 18, 2012
Bids due: 2:30 pm	April 30, 2012
Determine lowest responsible bidder (estimated date)	May 1, 2012
Board of Supervisors approves contract (estimated date)	May 8, 2012
County reserves the right to modify this schedule at any time at its sole discretion.	

PART 11 – CONTENT OF STATEMENTS OF QUALIFICATIONS

The SOQ's should include complete responses to the Prequalification Questionnaire set forth in Part 12 and Part 13, and include the following information regarding the Prospective Bidder:

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

PART 12. INFORMATION ABOUT THE PROSPECTIVE BIDDER
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	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(s)	Dates of Person's Participation with Firm(s)

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	Social Security #

- 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(ies)	Dates of Person’s Participation with Company(ies)

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. 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.

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 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.

4. 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.

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

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

7. 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.

8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

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.

Licenses

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

10. 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.
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.

Disputes

14. 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.
15. 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.
16. 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.

* * * * *

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 subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years has any claim **against** your firm concerning your firm’s work on a construction project 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).

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

* * * * *

19. 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?

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.

20. 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.

Criminal Matters and Related Civil Suits

21. 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.

22. 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.

23. 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.

Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

25. 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.

26. 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:

27. 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.

C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. 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.

29. 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.

30. 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.

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

-
32. 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: _____

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.

33. 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.)

Prevailing Wage and Apprenticeship Compliance Record

34. 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.

35. 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.

36. 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 *[Public Entity]*.

37. 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.

38. 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 April 12, 2008 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).

RECENT CONSTRUCTION PROJECTS COMPLETED

39. Prospective Bidder shall provide information about its five most recently completed public works projects and its three largest completed private projects within the last three years.¹ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

¹ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

PART 13. SCORED QUESTIONS

The scorable questions arise in three different areas:

- (I) Questions for immediate disqualification
- (II) History of the business and organizational performance;
- (II) Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and
- (III) Completion of recent projects and quality of performance.

The Scores Needed for Prequalification

To prequalify, a Prospective Bidder is required to have a passing grade within each of the three large categories referred to above.

For Section I, "Questions for immediate disqualification," immediate disqualification is determined based on responses to the questions as described therein.

For Section II, "History of the business and organizational performance," a passing score of **57** on this portion of the questionnaire (of a maximum score of 76 on this portion of the questionnaire).

For Section III, "Compliance with occupational safety and health laws, workers' compensation and other labor legislation," a passing score of **38** on this portion of the questionnaire (of a maximum score of 53 points on this portion of the questionnaire).

For Section IIV, "Completion of recent projects and quality of performance," a passing score of **20** on this portion of the questionnaire (of a maximum score of 40 points on this portion of the questionnaire).

I. Questions for immediate disqualification (nine questions)

Prospective Bidder will be immediately disqualified if the answer to any of questions 1 through 5 is “no.”

Prospective Bidder will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.” If the answer to question 8 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. Prospective Bidder 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. Prospective Bidder has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.

Yes No

3. Prospective Bidder 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 Prospective Bidder 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.²

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.

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?

Yes No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

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

Yes No

² 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).”

7. 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

8. 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:

-
9. 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

II. Questions about History of the Business and Organizational Performance (16 questions)

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

3 years or more = 2 points

4 years = 3 points 5 years = 4 pts.

6 years or more = 5 points

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

Yes No

“No” = 3 points“ “Yes” = 0 points

3. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).

Yes No

“No” = 3 points“ “Yes” = 0 points

4. 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

No = 5 points Yes = 0 points

5. 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

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages = 5 points.

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

Any other answer: no points

6. 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

No = 5 points Yes = 0 points

7. 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

No = 5 points Yes = 0 points

* * * * *

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 subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

8. In the past five years, has any claim **against** your firm concerning your firm's work on a construction project, been **filed in court or arbitration**?

Yes No

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

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

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

Yes No

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

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

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

*5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.
3 points for "Yes" indicating either 4 or 5 such instances.
0 points for "Yes" if more than 5 such instances.*

10. 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?

Yes No

*5 points for either "No" or "Yes" indicating 1 such claim.
3 points for "Yes" indicating no more than 2 such claims
Subtract five points for "Yes" if more than 2 such claims*

11. 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

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

12. 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

No = 5 points Yes = subtract 5 points

13. 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

No = 5 points Yes = subtract 5 points

14. 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

No = 5 points Yes = subtract 5 points

15. 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.

_____ %

***5 points if the rate is no more than one per cent
3 points if the rate was no higher than 1.10 per cent.
0 points for any other answer.***

16. During the last five years, has your firm ever been denied bond credit 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

No = 5 points Yes = 0 points

III. Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws. (11 questions)

1. 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 the firm’s average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

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

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

2. 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.

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

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

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

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

3. 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 the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

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

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

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

3 points for an answer of once each week or more often.

0 points for any other answer

5. 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: _____

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.

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

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95 but no more than 1.00

0 points for any other EMR

6. 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

5 points for either "No" or "Yes" indicating 1 such instance.

0 points for any other answer.

7. Has there been more than one 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 your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

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

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

8. During the last five years, has there been more than one occasion on 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 your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

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

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

9. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.

5 points if at least one approved apprenticeship program is listed.

0 points for any other answer.

10. 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.

5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employed by your firm.

11. 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 your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

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

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

IV. Questions concerning completion of recent projects and quality of performance (eight questions)

1. Of the five most recently completed projects how many included abatement, demolition, and remediation on the same project?

1 point for each project that included all three items above to a maximum of 5 points

2. Of the five most recently completed projects how many were located within an urban area?

1 point for each project was located in an urban area to a maximum of 5 points

3. Of the five most recently completed projects how many were phased for the completed work?

1 point for each project that was a phased project to a maximum of 5 points

4. Of the five most recently completed projects how many were completed within the original time allocated to the project (not withstanding uncontrolled delays)?

1 point for each project that was completed within the prescribed schedule to a maximum of 5 points

5. Of the five most recently completed projects how many were for County government entities?

1 point for each project that was completed for County government entities to a maximum of 5 points

6. Of the five most recently completed projects how many were completed within the original budget?

1 point for each project that was completed for County government entities to a maximum of 5 points

7. Of the five most recently completed projects how many were completed within the original budget?

1 point for each project that was completed within the original budget to a maximum of 5 points

8. Of the five most recently completed projects how many were in excess of \$1 million?

1 point for each project that was completed in excess of \$1 million to a maximum of 5 points

Certification

All firms seeking prequalification must sign the certification below and attach it to its Prequalification Questionnaire. Copy this certification form for completion by each legal entity proposed to be on the prequalified team.

I, the undersigned _____, certify and declare that I have read all the foregoing answers to this PreQualification Questionnaire; that all responses are correct and complete of my own knowledge and belief. I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

(Signature of Prospective Bidder)

(Printed name of Prospective Bidder)

(Place of Execution)

(Date)

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