

# **Sylvan Union School District**

## **Contractor Prequalification Procedures Prequalification Application**

**The following documents/information MUST be included with your submittal:**

**Completed Questionnaire – Part I, Part II, & Part III (every question must be answered)**

**Financial Statements (your latest reviewed or audited financial statement)**

**Certificate of Insurance related to policy limit requirements**

**Ambest.com report related to insurance rating requirements**

**Confirmation of Contractor's License number & expiration date**

**Confirmation of DIR Contractor Registration Number**

## PREQUALIFICATION PROCEDURES

Prequalification application packages are available on the District's website or at the District's main office.

### *Timeline*

1. **Prequalification Packet Due Date: January 31, 2019**
2. The District will provide a list of all prequalified contractors on our website.

This prequalification packet includes a questionnaire and financial statement, to be verified under oath. The District will use the information and documentation required by the packet to prequalify general contractors and mechanical, electrical and plumbing subcontractors in accordance with applicable law.

### *Questionnaire*

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

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

### *Submission*

Contractors are encouraged to submit prequalification packages as soon as possible, so that they may be notified of prequalification status well in advance of the bid process. The prequalification packages should be sealed, marked "**CONFIDENTIAL PREQUALIFICATION**" and mailed to the following:

**Sylvan Union School District  
Business Department  
Attention: Carol Smith  
605 Sylvan Avenue  
Modesto, CA 95350**

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

*Evaluation by the District*

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

*Appeal*

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

***Bidding***

Bids will not be accepted from any contractor that did not timely submit a completed prequalification questionnaire and supporting documents, including financial statements, to the District. Omission of requested information, falsification of information, or failing to use the forms provided by the District may result in a finding of “not prequalified”.

Any mechanical, electrical or plumbing subcontractors required for any Project must be prequalified pursuant to these prequalification forms and requirements, and all general contractors must use prequalified mechanical, electrical and plumbing subcontractors. If a listed mechanical, electrical and plumbing subcontractor in any general contractor bid is not prequalified, that bid will not be accepted.

The District reserves the right to amend the prequalification packet at anytime. The District reserves the right to waive minor irregularities and omissions in the information contained in the prequalification application submitted and to make all final determinations. Additionally, a determination by the District that a contractor is prequalified does not amount to a final determination that such contractor is responsible or responsive for purposes of bid evaluation. The District may, in accordance with applicable law reject a prequalified contractor’s bid, and the District may additionally reject all bids if it determines such action is in the best interest of the public.

## **PREQUALIFICATION APPLICATION**

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

#### **A. General Information.**

Contractor's name as it appears on license:

\_\_\_\_\_

CIRCLE ONE:      Corporation                  Partnership                  Sole Proprietorship

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

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

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

License # \_\_\_\_\_ Expiration Date \_\_\_\_\_

Classifications \_\_\_\_\_

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.

\_\_\_\_\_

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

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

1. How many years has your firm been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ years
2. Has there been any change in ownership of the firm at any time during the last three years?

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

☐ Yes      ☐ No

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

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

**NOTE: Include information about other firms if one firm owns 50 percent or more of another.**

☐ Yes      ☐ No

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

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

**For Firms That Are Corporations:**

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

Under the laws of what state: \_\_\_\_\_

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

Name	Position	Years with Company	% Ownership

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

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

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

**For Firms That Are Partnerships:**

Date of formation: \_\_\_\_\_

Under the laws of what state: \_\_\_\_\_

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

Name	Position	Years with Company	% Ownership

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

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

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

**For Firms That Are Sole Proprietorships:**

Date of commencement of business: \_\_\_\_\_

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

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

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

5. Please list the six (6) most recent projects and the three (3) largest in the last 3 years:

---

---

---

---

---

---

---

---

6. 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.

### **C. Bonding.**

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

Name of surety agent, address and telephone number:

---

Please attach a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California) which states your current bonding capacity.

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

---



---



---



---

**D. *Financial Information.***

9. Please attach your latest reviewed or audited financial statement.

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

Please provide the information requested below about all current public works projects, all public works projects completed in the last 24 months, and all K-12 public projects completed in the last three years. You may limit the list to 30, but list a least 4. Names and references must be current and verifiable.

For general contractor applicants: Only list projects your firm performed as the general contractor in charge of all trades for the construction of a building.

For subcontractor applicants: Only list projects your firm performed as the prime contractor if a single trade job or as a subcontractor on a multiple trade contract. For multiple trade contracts, indicate the general contractor's name and contact information.

Use separate sheets of paper that contain all of the following information:

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Contact (name and current phone number): \_\_\_\_\_

Architect or Engineering firm: \_\_\_\_\_

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

Construction Manager (name and current phone number): \_\_\_\_\_

Inspector of Record (name and current phone #): \_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

Total Value of Construction (including change orders): \_\_\_\_\_

Date Construction Commenced: \_\_\_\_\_

Original Contractual Completion Deadline: \_\_\_\_\_

Adjusted Completion Deadline Based on Time Extensions Granted by Owner: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

General Contractor's Project Manager (lead contact in office)

\_\_\_\_\_

General Contractor's Superintendent (lead contact on project site)

\_\_\_\_\_

## **F. Apprenticeship Program Information**

10. Provide the name, address and telephone number of the apprenticeship program sponsor(s) (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 the District.

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

11. Does your organization operate its own apprenticeship program?

☐ Yes      ☐ No

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

## PART II: Essential Requirements for Prequalification

1. Do you possess a valid and current California contractor's license? If yes, provide license number and expiration date. **Must provide a copy of Contract License or detail report from [www2.cslb.ca.gov](http://www2.cslb.ca.gov)**  
☐ Yes      ☐ No      **License #** \_\_\_\_\_ **Expiration Date** \_\_\_\_\_
  
2. If you are a general contractor, do you have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate? If you are a mechanical, electrical or plumbing subcontractor, do you have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?  
☐ Yes      ☐ No      **Must provide Certificate of Insurance stating policy amounts**
  
3. Do you have current workers' compensation insurance policy as required by the Labor Code or are you legally self-insured pursuant to Labor Code section 3700 et seq.?  
☐ Yes      ☐ No  
☐ Contractor is exempt from this requirement, because it has no employees.
  
4. Has your contractor's license been revoked or suspended at any time in the last five years, even if later reinstated retroactively?  
☐ Yes      ☐ No
  
5. At the time of submitting this prequalification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?  
☐ Yes      ☐ No  
 If yes, state the beginning and ending dates of the period of debarment:  
 \_\_\_\_\_
  
6. 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

7. Is your firm currently, or within the last five (5) years, the debtor in a bankruptcy or receivership 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, 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.

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

If yes, 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.

9. 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.

10. 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

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

☐ Yes      ☐ No

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.

## Part III: Scored Questions

### A. Licensing

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

☐ Yes      ☐ No

### B. Disputes

- At any time in the last five years, have liquidated damages been assessed or levied against your firm under a construction contract with either a public or private owner?

☐ Yes      ☐ No

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

- 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" 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 4 of Part I on this form.**

☐ Yes      ☐ No

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

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

☐ Yes      ☐ No

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

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

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

☐ Yes      ☐ No

If yes, on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature and amount of the claim (including a breakdown of the major elements of the claim), the court in which the case was filed, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

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

☐ Yes      ☐ No

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

## **C. Insurance and Bonding**

7. 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.

8. The District requires an A rating or higher on General Liability Insurance Coverage. Evidence of A or higher rating must be furnished at time of Contractor Prequalification packet submittal. Rating Report information is to be obtained from A.M. Best Company – <http://www.ambest.com>. Your organization must furnish evidence that it currently meets this requirement with needed paperwork submittal.

☐ Yes      ☐ No      **MUST submit copy of ambest.com report.**

#### **D. Compliance with Law**

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

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

☐ Yes      ☐ No

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

10. 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.

11. 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.

12. Does your firm require weekly safety checks?

☐ Yes      ☐ No

13. 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.

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

☐ Yes    ☐ No

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

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

☐ Yes    ☐ No

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

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

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

☐ Yes    ☐ No

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

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

17. **Senate Bill 854**, signed into law June 20, 2014, became effectively immediately. It established a new public works contractor registration program which will collect fees to fund compliance monitoring and enforcement, determine prevailing wage and public works coverage, and hear enforcement appeals.

All contractors and subcontractors intending to bid or perform work on public works projects will be required to register, and annually renew, online for the program. The cost to register for the program is currently \$300.00 and is non-refundable. This is a DIR fee paid to the State. The District will not register a contractor, nor collect funds for registration.

Contractors or subcontractors submitting bids must be registered by March 1, 2016. The requirement to use only registered contractors and subcontractors on public works projects, greater than \$1,000, applies to all projects awarded on or after April 1, 2016. No bid can be accepted nor any contract or subcontract entered into nor purchase order issued without proof that the contractor or subcontractor is registered.

If you intend to bid or provide services on District projects in the future, please ensure you are registered with the DIR prior to March 1, 2016. Effective immediately, the District will be required to fill out a form alerting the DIR of the services you are providing the District. Detailed information is required to complete this form. You may be asked to provide information needed to complete the DIR form. You will be asked to complete this in a timely manner to avoid interruption in the services you are providing.

Are you currently registered with the DIR?

☐ Yes

☐ No

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

Please submit proof of current registration

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

## PART IV: CERTIFICATION

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

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

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

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

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

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Signature celebratory

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Contractor