

**RESOLUTION NO. 20-031
OF THE
BERKELEY UNIFIED SCHOOL DISTRICT
ADOPTING UPDATED, ONLINE
PREQUALIFICATION PROCESS FOR PRIME CONTRACTORS AND SUBCONTRACTORS
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

WHEREAS, for construction contracts awarded on or after January 1, 2014, Public Contract Code section 20111.6 requires the governing board of a school district with an average daily attendance over two thousand five hundred (2,500) to prequalify bidders for public works projects using any funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code section 17070.10 et seq.) or any funds from any future state school bond for a public project with a projected expenditure of one million dollars (\$1,000,000) or more; and

WHEREAS, the California legislature amended PCC Section 20111.6 to make the prequalification process required by that section applicable to public projects using the Lease-Leaseback ("LLB") construction delivery method authorized by Education Code ("EC") Section 17406; and

WHEREAS, the California Legislature subsequently amended PCC Section 20111.6 and EC Section 17406, effective January 1, 2016, to provide that, with respect to public projects completed using the LLB construction delivery method, the prequalification process required by PCC Section 20111.6 shall apply regardless of the source of funds used to pay for the projects; and

WHEREAS, school districts are required to prequalify prime contractors and subcontractors for all contracts for the aforementioned district projects using the requirements described in Section 20111.6 of the Public Contract Code; and

WHEREAS, Public Contract Code section 20111.6 directs school districts to require prospective prime contractors and subcontractors to submit a standardized prequalification questionnaire and financial statement (collectively "Prequalification Package") prior to submitting a bid/proposal for the aforementioned district projects; and

WHEREAS, Public Contract Code section 20111.6, subdivision (g) authorizes school districts to establish a uniform system of rating prospective contractors and subcontractors based upon the completed Prequalification Packages ("Prequalification Process"); and

WHEREAS, District staff have reviewed available options for streamlining and updating the District's current Prequalification process in place for its projects and have determined that an online system will provide for time and cost savings to both the District and participating Contractors; and

WHEREAS, after review of proposals and options District staff determined the Colbi Technologies, Inc. system provides the best value for an updated prequalification system and the Board of Education approved a contract with Colbi Technologies, Inc. on November 20, 2019; and

WHEREAS, District staff are now implementing the Colbi Technologies, Inc.; and

WHEREAS, District staff propose to utilize the standardized questionnaire provided by Colbi Technologies in accordance with Public Contract Code section 20111.6 attached hereto as **Exhibit "A"** ("Questionnaire");

WHEREAS, District staff propose to utilize the uniform system of rating potential prime contractors based upon the completed Questionnaires in accordance with Public Contract Code section 20111.6 attached hereto as **Exhibit "B"** ("Rating System");

WHEREAS, the Rating System includes a process for potential prime contractors to appeal certain decisions with respect to the Prequalification Process ("Appeal Process"); and

WHEREAS, the District desires to adopt the Colbi Technologies, Inc. online Prequalification Process, including the Questionnaire, Rating System, and Appeal Process.

NOW, THEREFORE, the Board of Trustees of the Berkeley Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the Questionnaire, the Rating System, and the Appeal Process are authorized pursuant to Public Contract Code section 20111.6.

Section 3. That the District's Superintendent, or designee, is authorized to implement the Prequalification Process, including accepting the final list of prequalified prime contractors, consistent with Public Contract Code section 20111.6.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Berkeley Unified School District on this 22nd day of January, 2020, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

President of the Board of Trustees of the
Berkeley Unified School District

Attested to:

Clerk of the Board of Trustees of the
Berkeley Unified School District

Exhibit "A"

Prequalification Questionnaire

Exhibit "B"

Prequalification Rating System