

**Piedmont Unified School District  
760 Magnolia Avenue  
Piedmont, California 94611**

\_\_\_\_\_, 2017

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**REQUEST TO PREQUALIFY AND FOR STATEMENT OF QUALIFICATIONS AND FOR PROPOSALS FOR  
PRELIMINARY AND CONSTRUCTION SERVICES (LEASE-LEASEBACK)**

**RFQ.** The Piedmont Unified School District (“**District**”) is requesting submission of:

- A prequalification questionnaire (“**Prequalification Questionnaire(s)**”), and
- A statement of qualifications (“**SOQ(s)**”) (together, “**Response(s)**”), from qualified firms, partnerships, corporations, associations, persons, or professional organizations (“**Contractor(s)**” or “**Firm(s)**”) perform preliminary services and construction services as further described in this Request for Qualifications (“**Project**”) pursuant to the lease leaseback structure (Education Code section 17406, et seq.)
- Contractors that intend to submit a Response must:
  - Be prequalified with the District;
  - Be insured;
  - Hold a Class B Contractors License, which is current, valid, and in good standing with the California Contractor's State License Board; and

**RFP.** The District is also requesting submission of a proposal (“**RFP**”) from qualified firms, partnerships, corporations, associations, persons, or professional organizations (“**Contractor(s)**” or “**Firm(s)**”) to perform preliminary services and construction services for the project identified in **Attachment 1. (“Project Description”)** pursuant to a lease-leaseback structure. (Education Code section 17406.) (“**Proposal**”) (together with RFQ “**RFQ/P**”)

**Pool.** The District intends to create a pool of qualified Contractors from which, in addition to the RFP described herein, proposals on certain other projects may be solicited.

**Mechanical, Electrical and Plumbing (“MEP”) Subcontractors must complete a Prequalification Application** by the date indicated in the RFQ/P Schedule. The District highly recommends all Contractors’ MEP subcontractors complete the Prequalification Application as soon as possible to expedite the District’s evaluation.

**Responses and Proposals must be received** by the dates indicated in the RFQ/P Schedule with one (1) original and five (5) copies of requested materials as well as a digital copy on a thumb drive, to:

**Piedmont School District  
Attn: Michael Brady,  
Coordinator, Measure H1 Bond Program  
760 Magnolia Avenue  
Piedmont, California 94611  
Telephone: 510-594-2608**

Questions regarding this RFQ/P may be directed to Michael Brady 510-594-2608.

**Contractors and subcontractors are directed to not contact any other District Staff person regarding this RFQ/P. Contractors or subcontractors that contact any other person regarding this RFQ/P or attempt to visit any Project site shall be disqualified.**

**RFQ/P Addenda.** If the District issues addenda to this RFQ/P, Contractors are solely responsible for and must acknowledge receipt of addenda either in the Contractor's SOQ if it pertains to the RFQ or in the Proposal if it pertains to the RFP. Failure to acknowledge and respond to any addenda issued by the District may, in the District's sole discretion, render the Contractor's SOQ/Proposal to be deemed non-responsive and may be rejected.

**RFQ/P Schedule.** The District has set the following RFQ/P Schedule that all Contractors must adhere to. The District reserves the right to modify this RFQ/P Schedule and will issue an addendum if it modifies this RFQ/P Schedule.

Event / Occurrence	Date / Deadline
District Issues RFQ/P	Fri. 10/27, 2017
Deadline for Contractors to submit questions regarding this RFQ/P	, 2017
District to respond to Contractors' questions regarding this RFQ/P	, 2017
Deadline for Contractors to complete Prequalification Questionnaires	, 2017
Deadline for MEP subcontractors to be prequalified	, 2017
Deadline for Contractors to submit SOQ and Proposal	, 2017
District to notify Contractors of qualification status	, 2017
Interviews with short-listed qualified Contractors	, 2017
Award of contract for Project	Wed. 12/20, 2017

Thank you for your interest in working with the Piedmont Unified School District.

1. **General Information.**

- 1.1. **General Services.** The District invites qualified Contractors to submit a Response related to its ability to provide the Services, as more fully indicated herein. Contractors must have extensive experience with the Office of Public School Construction ("OPSC"), the Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, and the Division of the State Architect ("DSA"). Contractors must have extensive experience in the construction of public school facilities, working with public school district representatives, working with architects, Contractors and other school facility related consultants, and establishing project scope, project budgets, and bidding procedures under both the Public Contract Code's formal bidding process and under alternative construction delivery methods.
- 1.2. **Lease-Leaseback Structure.** The Project may be funded from various sources, and any agreement reached will conform to the statutory framework for the lease-leaseback delivery method. (Education Code section 17406, et seq.) The Contractor will be responsible for financing a portion of the construction of the Project. During construction, the District shall pay tenant improvement payments. Once the Project is complete, the Contractor shall lease the facilities constructed back to the District for a pre-determined monthly lease payment amount and lease period.
- 1.3. **Scope of Services.** The selected Contractor for each Project must be willing and able to, in good faith, propose to construct the Project listed in **Attachment 1**, including the subcontractor procurement process detailed in **Attachment 5 ("Subcontractor Procurement Process")**.
- 1.4. **Skilled Workforce.** Within the Agreement is the statutory requirement that the successful Contractor and its subcontractors at every tier use a skilled and trained workforce at minimum percentages, as defined in Public Contract Code section 2601, to perform all Work on the Project that falls within an apprenticeable occupation in the building and construction trades. The successful Contractor will be required to provide monthly reports, demonstrating compliance by itself and its subcontractors at every tier with the skilled work force requirements described in Public Contract Code section 2602. Monthly GC certified payroll approval by District will be required prior to release of each payment.

2. **Prequalification.**

- 2.1. **Contractor Prequalification.** All Contractors must submit by the date indicated in this RFQ/P Schedule, the Prequalification Questionnaire attached hereto as **Attachment 3**, by all Contractors not currently prequalified with the District. The Prequalification Application is related to a Contractor's ability to provide the Services as indicated herein and must be maintained for the duration of the time frame for the Project identified in this RFQ/P. (Public Contract Code section 20111.6.) The Contractor's Prequalification Application shall be scored according to **Attachment 4 ("District's Prequalification Scoring for Contractors and Subcontractors")** attached hereto.
- 2.2. **Mechanical, Electrical and Plumbing Subcontractors Prequalification.** All mechanical, electrical and plumbing subcontractors that hold a C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 California Contractors' License(s) ("**MEP subcontractors**") that the Contractor intends to use on the Project **must** complete the Prequalification Application attached hereto as **Attachment 3** by the date indicated in this RFQ/P, if an MEP subcontractor is not currently prequalified with the District. The Prequalification Application is related to the MEP subcontractor's ability to provide the Services as indicated herein and must be maintained for the duration of the time frame for the Project identified in this RFQ/P. (Public Contract Code section 20111.6.) The District highly recommends all Contractors' MEP subcontractors complete

the Prequalification Application as soon as possible to expedite the District's evaluation. The Subcontractor's Prequalification Application shall be scored according to **Attachment 4 ("District's Prequalification Scoring for Contractors and Subcontractors")** attached hereto.

3. **Contractors' SOQs.** Contractors' SOQs must be concise, well-organized, and consecutively numbered on each page and must include the following information, using the following outline structure, except as may be otherwise directed. The Contractors' SOQ shall **be no longer than seventy-five (75) single-sided pages, on 8½" x 11" paper**, inclusive of résumés, forms, and pictures, and tabbed according to the numbering system reflected below. Each Contractor's SOQ must demonstrate Contractor's qualifications, and shall include the following items and information:
  - 3.1. **Letter of Interest.** A dated Letter of Interest must be submitted, including the legal name of the Contractor, address, telephone, emails, and the name, title, and signature of the person authorized to submit the SOQ on behalf of the Contractor. The Letter of Interest should provide a brief statement of the Contractor's experience indicating the unique background and qualities of the Contractor, its personnel, and what will make the Contractor a good fit for work in the District. Contractor and its proposed team should have experience working on public school projects (under DSA jurisdiction) with hard stop completion dates and projects that have had high performance /Zero Net Energy standards. (District's goal is both components of the Project will meet ZNE standards, District does not intend to have the projects be LEED certified or attain a CHPS certification but would like to adhere to the principals and guidelines of each program as budget allows.
  - 3.2. **Table of Contents.** A table of contents of the material contained in the SOQ must follow the letter of interest.
  - 3.3. **Executive Summary.** An executive summary that outlines the Contractor's philosophy, along with a brief summary of the Contractor's qualifications.
  - 3.4. **Proposed Personnel/Contractor Team.** Include resumes of key personnel who would be performing Services for the District. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the District. Indicate each person's availability to provide the Services.
  - 3.5. **Contractor's History.** Provide a brief history of the Contractor, and, if a joint venture, of each participating entity.
  - 3.6. **Contractor's Approach to Work.** Describe how the Contractor intends to work with the District's administration officials to perform the Services, including assistant superintendents, facilities directors, teachers and site principals, to develop management techniques and responses related to the unique challenges of the District's educational program requirements. Include an overview of the proposed staging and traffic plan during construction including a worker parking/shuttle solution. Also define the type of construction management software the Contractor intends/prefers to use throughout the project and how the Contractor intends to close out the project. Provide references via other School Districts the Contractor has worked with on the performance and satisfaction level of the construction software that was used.
  - 3.7. **Letters of References.** Include letters of reference or testimonials, if available. Contractor should limit letters of references or testimonials to no more than eight (8).
  - 3.8. **Professional Development.** Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the District in understanding Contractor's qualifications and expertise.

- 3.9. Schedule.** Discuss the Contractor's ability to prepare and meet achievable construction schedules for lease-leaseback projects, Contractor's schedule management procedures, and how the Contractor has successfully handled potential delays. Refer to the attached preliminary construction schedule. Contractor and all subcontractors must have the ability to provide the proper manpower and secure the proper material vendors to adhere to the proposed construction schedule. District would like daily manpower reports for the Contractor and subcontractors.
- 3.10. Budget.** Discuss the Contractor's ability to manage costs and stay within budgets on comparable projects.
- 3.11. Cost Savings / Value Engineering.** The District is seeking a Contractor that has direct experience and/or can demonstrate an aptitude to "value engineer" or analyze a project's plans, components, and features, and find more efficient and cost-effective methods or alternatives. Describe your Contractor's suggestions, recommendations, alternatives or other valuation determinations that the Contractor could implement on the Projects.
- 3.12. Contractor's Current Work Commitments/Project Limitations.**
- 3.12.1. Specify the current and projected workload of Contractor and proposed MEP subcontractors. District would also like the projected workload of all preferred subcontractors/vendors that will affect the proposed construction schedule's critical path such as and not limited to: site utility/grading, concrete, structural steel, metal stud/drywall, doors/windows, stucco, paint, roof, etc. If applicable, provide a statement of all recent, current, or anticipated contractual obligations that relate in any way to similar work for the District that may have a potential to impede Contractor's ability to provide the Services described herein to the District.
- 3.12.2. Indicate Contractor's limitation or Surety restrictions related to the size of Project that Contractor can contract for and can effectively perform.
- 3.13. Additional Data.** Provide additional information about the Contractor as it may relate to Contractor's SOQ.
- 3.14. Conflicts of Interest.** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Projects, or the District that may have a potential to conflict with Contractor's ability to provide the Services described herein to the District. Contractors cannot submit, propose, bid, contract, subcontract, consult, or have any other economic interests in the Project to which the Contractor may provide Services. The Contractor selected to provide the Services and any subsidiary, parent, holding company or affiliate of the selected Contractor, may not perform any construction work or submit a bid for the Project.
- 3.15. Cost Proposal. (Respond to this section only if you are submitting a Proposal)** The plans and specifications for the Project have not yet been approved by the Division State Architect ("DSA"). Therefore, the Project will be awarded based upon the Contractor's cost of performing services rather than a lump sum bid. When DSA has approved the plans and specifications, a guaranteed maximum price shall be finalized for the Project.
- 3.15.1. **Contractor's Cost of Performing Services.** Please complete the worksheet attached hereto as **Attachment 1**.

- 3.15.2. **Construction Schedule.** Please provide a preliminary construction schedule for the Project, indicating all critical path items and durations for scopes of work.
- 3.15.3. **Schedule of Values.** Please provide a preliminary schedule of values for the Project.
- 3.15.4. **Cost Savings / Value Engineering.** Please provide recommendations to the District to maintain or reduce the established budget. The District is seeking “value engineering” and analyses of the Project’s plans, components, systems and features, to find more efficiency, cost-savings, or other value to the District.

**3.16. Agreement Form.** The District intends to use the Lease-Leaseback Agreement forms attached hereto as **Attachment 2** to this RFQ/P (“**Agreement**”). If a Contractor has any comments or objections to the Agreement, it shall provide those comments or objections in its SOQ. If Contractor has no comments or objections to the Agreement, it must affirmatively state as much in its Response. **PLEASE NOTE: The District will not consider any substantive changes to the form of Agreement if they are not submitted at or before the time the SOQ is due.**

**4. District’s Evaluation / Best Value Selection Process.** The District shall evaluate Firms’ Responses based on a best value determination process

**4.1. Criteria for Best Value Selection Process.** The District wishes to retain Contractors that have the financial strength, management and expertise to deliver a Project within a proposed schedule and within an established budget. The District reserves the right to choose any Contractor for any Project. The Contractor will be selected based on qualifications and demonstrated competence that include relevant experience with California public school construction, with State of California’s School Facilities Program, and a proven track record for cost-efficient and timely construction projects.

**4.2. Scoring.** The following table indicates how the District will score steps 1 – 4. The scoring and criteria for all steps are included in **Attachment 4** to this RFQ/P. Only Firms that receive the minimum qualification points as required at each step will move to the next step.

<b>STEP 1: Scoring of Prequalification Questionnaire</b>	<b>Minimum qualification points required in STEP 1 for Firms to proceed to STEP 2: <u>100</u></b>  (Total maximum possible points at the end of STEP 1 is <u>135.</u> )
<b>The District will only go to STEPS 2 &amp; 3 for Firms with the required minimum score after STEP 1.</b>	
<b>STEP 2: Scoring of Proposal</b>	<b>Minimum qualification points required in STEP 2 and STEP 3 <u>COMBINED</u> for Firms to proceed to STEP 4: <u>250</u></b>
<b>STEP 3: Scoring of References</b>	(Total combined maximum possible points at the end of STEPS 2 & 3 is <u>310.</u> )
<b>The District will only interview Firms that have the required minimum score after STEPS 2 &amp; 3.</b>	
<b>STEP 4: Scoring of Interviews</b>	<b>Minimum qualification points required in STEP 4 to be considered for the Project. <u>100</u></b>  (Total maximum possible points from the interview is <u>140.</u> )

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- 4.3. Notification.** The District will notify Firms of their status after each Step. Firms that do not receive the required minimum qualification points from STEP 2 and STEP 3, may request in writing a debriefing, which will be restricted to no more than two (2) persons from the Firm to have a discussion with the District staff regarding that Firm's Response. All debriefings will take place via a conference call or an in-person meeting, at the District's sole discretion.
- 4.4.** During the evaluation of the Responses, contact shall only be through the individual identified in the RFQ. Firms shall neither contact nor lobby evaluators during the evaluation process. Attempts by a Firm to contact and/or influence the District may result in disqualification of that Firm.
- 4.5.** The District reserves the right to contract with any Contractor responding to this RFQ/P for the Project, to reject any Response as non-responsive, and not to contract with any Contractor for the Services described herein. The District makes no representation that participation in the RFQ/P process will lead to an award of contract or any consideration whatsoever. The District reserves the right to seek Responses from or to contract with any Contractor not participating in this process. The District shall in no event be responsible for the cost of preparing any SOQ. The District reserves the right to adjust the structure of the Project(s) and to request a successful Contractor provide initial pricing information, fee(s) for preliminary services, general conditions, partial construction services, etc., by Project and by a phase within a Project.
- 4.6.** All SOQs will become the property of the District and subject to the California Public Records Act, Government Code sections 6250, et seq. Those elements in an SOQ that are trade secrets as that term is defined in Civil Code section 3426.1(d) or otherwise exempt by law from disclosure and which are prominently marked as "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY" may not be subject to disclosure. The District shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. A Contractor that indiscriminately identifies all or most of its SOQ as exempt from disclosure without justification may be deemed non-responsive. In the event the District is required to defend an action on a Public Records Act request for any of the contents of an SOQ marked "Confidential," "Proprietary," or "Trade Secret," the Contractor agrees, by submission of its SOQ, to defend and indemnify the District from all costs and expenses, including attorneys' fees, in any action or liability arising under the Public Records Act.

**Attachment 1**

**NEW ALAN HARVEY THEATER & NEW STEAM BUILDING**

If you are submitting a Proposal, please provide the requested information below. The construction cost estimate for this Project breaks down as follows: STEAM Building: **\$28,808,119**; Theater Building: **\$13,755,720**. (Estimates include site work, cost escalation and construction contingency.) Based on these estimates, please provide the requested percentages where indicated.

Item	Amount
<b>General Conditions</b> (identify in sufficient detail for evaluation, including <u>all</u> components that Contractor will include as General Conditions and not as part of subcontractors' scope of other direct costs of work.)	\$ _____
<b>Staffing which would be part of General Conditions</b>	
Project Executive (hourly rate)	\$ _____
Project Manager (hourly rate)	\$ _____
Project Superintendent (hourly rate)	\$ _____
Project Engineer (hourly rate)	\$ _____
<b>Mark-up on Subcontractor work.</b>	_____ %
<b>Mark-up on self-performed work.</b>	_____ %
<b>Fee / overhead &amp; profit</b> (as a percentage of direct costs)	_____ %
<b>Bond &amp; insurance cost</b> (as a percentage of direct costs)	_____ %
<b>Other costs</b> (identify in sufficient detail for evaluation, either as a lump sum or a percentage of direct costs)	\$ ____ or ____ %



Attachment 2

LEASE LEASEBACK AGREEMENT

**[ATTACH HERE THE LLB CONTRACT DOCUMENTS]**

DRAFT

**Attachment 3**

**PREQUALIFICATION QUESTIONNAIRE**

<b>CONTRACTOR (OR "FIRM") INFORMATION</b>			
Contractor's company name:			
Address:			
Telephone:			
Mobile telephone:			
E-mail:			
Years in business under current company name:			
Years at the above address:			
Types of work performed with own forces:			
Gross revenue of the Firm for the past three (3) years:			
	\$		\$
	\$		\$
<b>Submit an audited or reviewed financial statement for the past two (2) full fiscal years. 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.</b>			
Name of license holder exactly as on file with the California State License Board:			
License classification(s):			
License Number(s):			
License expiration date(s):			
<b>Department of Industrial Relations registration number (Per Labor Code section 1725.5):</b>			
Number of years license holder has held the listed license(s):			
Number of years Contractor has done business in California under Contractor's license law:			
Number of years Contractor has done business in California under <u>current</u> Contractor's license:			
Has your Firm changed name(s) or license number(s) in the past five (5) years? ( Y / N ). If "yes", explain on a separate signed sheet, including the reason for the change.			
Has there been any change in ownership of the Firm at any time in the past five (5) years? <b>NOTE:</b> A corporation whose shares are publicly traded is not required to answer this question. ( Y / N ). If "yes", explain on a separate signed sheet, including the reason for the change.			
Is the Firm a subsidiary, parent, holding company, or affiliate of another construction firm? <b>NOTE:</b> Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your Firm holds a similar position in another firm. ( Y / N ). If "yes", explain on a separate signed sheet, the name of the related company(ies) and the percent ownership.			
Indicate the form of Contractor's firm (type of business entity):			
<input type="checkbox"/> Individual			
<input type="checkbox"/> Sole Proprietorship			
<input type="checkbox"/> Partnership			
<input type="checkbox"/> Limited Partnership			
<input type="checkbox"/> Corporation, State: _____			
<input type="checkbox"/> Limited Liability Company			

☐ Joint Venture  
☐ Other: \_\_\_\_\_

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Contractor's type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. Attach all additional information on separate signed sheets as needed.

Name	Position	Years with Co.	% Ownership

Identify every construction firm, Contractor and/or construction management firm that the Contractor or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, RME etc.) at any time during the **past five (5) years** ("Associated Firm"). Include all additional references and/or information on separate signed sheets. NOTE: For this question, "owner" and "partner" refers to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock if the business is a corporation. include all additional information on separate signed sheets as needed.

Name of Person at Associated Firm	Name of Associated Firm	Contractor's License No. of Associated Firm	Dates of Person's Participation with Associated Firm

## CONTRACTOR'S BONDING COMPANY (SURETY) INFORMATION

Name(s) of bonding company(ies) your Firm has utilized over the past five (5) years (not broker or agency):


Address(es) of those bonding company(ies):


Number of years Contractor has been with those bonding company/surety:

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Name of broker/agent:

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Address of broker/agent:
Telephone number of broker/agent:
E-mail of broker/agent:
Contractor's total current bonding capacity: \$

<b>CONTRACTOR'S INSURANCE INFORMATION</b>
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Name of insurance company(ies) your Firm has utilized over the past five (5) years (not broker or agency):		

Address of those insurance company(ies):		

"Best" rating(s) for those insurance company(ies):		

Number of years Contractor has been with those insurance company(ies):		


Name of broker/agent:		
Address of broker/agent:		
Telephone number of broker/agent:		
E-mail of broker/agent:		

Contractor's current insurance limits for the following types of coverage:		
Commercial General Liability	Combined Single Limit (per occurrence)	\$
	Combined Single Limit (aggregate)	\$
Product Liability & Completed Operations	(aggregate)	\$
	(per occurrence)	\$
Automobile Liability – Any Auto	Combined Single Limit (aggregate)	\$
Automobile Liability – Any Auto	Combined Single Limit (per occurrence)	\$
Employers' Liability		\$
Builder's Risk (Course of Construction)		

Workers' Compensation Experience Modification Rate for the past five (5) premium years:		
(1) Current year:	(2)	(3)
	(4)	(5)

## QUESTIONS

### Pass/Fail Questions (Essential Criteria)

1.	<p>Has your Firm contracted for and completed construction of a minimum of:</p> <ul style="list-style-type: none"> <li><b>\$20 million per year for the last five (5) years</b> of K-12 public schools either new construction or modernization under the State School Building Program administered by the Office of Public School Construction?</li> </ul> <p style="text-align: right;">(Please circle one).</p> <p><b>NOTE:</b> You <u>must</u> list these projects in the "Contractor Project References" Section.</p>	<u>YES</u> <u>NO</u> NO = cannot prequalify
2.	<p>Does your Firm currently hold all Contractors' license(s) necessary to perform the work and have those license(s) been consistently active for at least <b>ten (10) years</b> without revocation or suspension?</p> <p style="text-align: right;">(Please circle one).</p>	<u>YES</u> <u>NO</u> NO = cannot prequalify
3.	<p>Has your Firm or an Associated Firm been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past <b>ten (10) years</b>?</p> <p style="text-align: right;">(Please circle one).</p>	<u>YES</u> <u>NO</u> YES = cannot prequalify
4.	<p>Has your Firm or an Associated Firm defaulted on a contract or been terminated for cause by any public agency on any project within California within the past <b>ten (10) years</b> and, if so and if challenged, has that default or termination been upheld by a court or an arbitrator? (Please circle one).</p>	<u>YES</u> <u>NO</u> YES = cannot prequalify
5.	<p>Has your Firm or an Associated Firm or any of their owners or officers been convicted of a crime under federal, state, or local law involving:</p> <p style="margin-left: 20px;">(1) Bidding for, awarding of, or performance of a contract with a public entity;</p> <p style="margin-left: 20px;">(2) Making a false claim(s) to any public entity; or</p> <p style="margin-left: 20px;">(3) Fraud, theft, or other act of dishonesty,</p> <p>to any contracting party within the past <b>ten (10) years</b>?</p> <p style="text-align: right;">(Please circle one).</p>	<u>YES</u> <u>NO</u> YES = cannot prequalify
6.	<p>Has a performance bond surety for your Firm or a performance bond surety for an Associated Firm had to:</p> <p style="margin-left: 20px;">(1) Take over or complete a project,</p> <p style="margin-left: 20px;">(2) Supervise the work of a project, or</p> <p style="margin-left: 20px;">(3) Pay amounts to third parties,</p> <p>related to construction activities of your Firm or an Associated Firm within the past <b>ten (10) years</b>?</p> <p style="text-align: right;">(Please circle one).</p>	<u>YES</u> <u>NO</u> YES = cannot prequalify
7.	<p>Has your Firm's Workers' Compensation Experience Modification Rating averaged more than 1.25 over the past five (5) premium years?</p> <p style="text-align: right;">(Please circle one).</p> <p>Attach proof of Worker's Compensation Experience Mod Rating for the last 5 years.</p>	<u>YES</u> <u>NO</u> YES = cannot prequalify
<div style="display: flex; align-items: center; justify-content: center;">  <div> <p><b>If you answered:</b></p> <p><b>"NO" to questions 1-2 or</b></p> <p><b>"YES" to questions 3-7, then STOP.</b></p> <p><b>You are not eligible for prequalification at this time.</b></p> </div> </div>		

## Scored Questions

1.	<p>Has your Firm paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past <b>ten (10) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), damages(s), and date(s).</p>	<u>YES</u> <u>NO</u>
2.	<p>Has your Firm paid a premium of more than one percent (1.5%) for a performance and payment bond on any project(s) within the past <b>ten (10) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the premium amount(s), and date(s).</p>	<u>YES</u> <u>NO</u>
3.	<p>Has any insurer had to pay amounts to third parties that were in any way related to construction activities of your Firm within the past five (5) years? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount(s) paid, and date(s).</p>	<u>YES</u> <u>NO</u>
4.	<p>Has there been a period when your Firm had employees but was without workers' compensation insurance or state-approved self-insurance within the past five (5) years? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the reason(s) for not having this insurance and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
5.	<p>Has your Firm declared bankruptcy or been placed in receivership within the past <b>ten (10) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the type of bankruptcy, the Firm's current recovery plan, and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
6.	<p>Has your Firm been denied bond coverage by a surety company, or has there been a period of time when your Firm had no surety bond in place during a public construction project when one was required within the past <b>ten (10) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, provide details on a separate signed sheet indicating the date(s) when your Firm was denied coverage and the name of the company or companies which denied coverage; and the period(s) during which you had no surety bond in place.</p>	<u>YES</u> <u>NO</u>
7.	<p>Has a project owner, general Contractor, architect, or construction manager filed claim(s) in an amount exceeding \$50,000 against your Firm, or has your Firm filed claim(s) in an amount exceeding \$50,000 against a project owner, general Contractor, architect, or construction manager in the past <b>ten (10) years</b>?</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s) and the date(s) of claim(s).</p>	<u>YES</u> <u>NO</u>
8.	<p>Has your Firm or an Associated Firm been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code violations, within the past <b>ten (10) years</b>?</p> <p style="text-align: center;">If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<u>YES</u> <u>NO</u>
9.	<p>Has your Firm been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past <b>ten (10) years</b>?</p> <p style="text-align: center;">If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.</p>	<u>YES</u> <u>NO</u>

10.	Has CAL OSHA and/or federal Occupational Safety and Health Administration cited and assessed penalties against your Firm, including any “serious,” “willful” or “repeat” violations of safety or health regulations within the past <b>ten (10) years</b> ?  If “yes,” indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.	<u>YES</u> <u>NO</u>
11.	Has your Firm been required to pay either back wages or penalties for its failure to comply with California’s prevailing wage laws, with California’s apprenticeship laws or regulations, or with federal Davis-Bacon prevailing wage laws within the past <b>ten (10) years</b> ?  If “yes,” indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of employees who were initially underpaid and the amount of back wages and penalties that your Firm was required to pay.	<u>YES</u> <u>NO</u>
12.	Does your Firm require <b>weekly</b> , documented safety meetings to be held for construction employees and field supervisors during the course of a project?	<u>YES</u> <u>NO</u>
13.	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 Firm for use on any public work project for which you are awarded a contract by the District.	

## CONTRACTOR PROJECT REFERENCES

List **ALL** projects in which your Firm has participated as the prime Contractor during the past **five (5) years** with a Firm contract value of more than **\$20,000,000**.

- You may limit your response to the **thirty (30)** most-recently completed projects, but you **must** include at least the **four (4)** most recent California K-12 public school projects with a contract value of more than **\$20,000,000** performed by your Firm.
- Include all information indicated below on separate signed sheets as necessary, and explain or clarify any response as necessary

Project name/identification:
Project address/location:
Project owner, contact person, and telephone:
Project architect name and telephone number:
If Contractor was a subcontractor on the project, name of general Contractor and telephone number:
Indicate if the project was under lease-leaseback, design-build, design-bid-build or other delivery structure:
Scope of work:
Original completion date:
Date completed:
Initial contract value (as of time of bid award):
Final contract value:

### CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

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

Proper Name of Contractor: \_\_\_\_\_

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

By: \_\_\_\_\_ (Print Name)

Title: \_\_\_\_\_



**Attachment 4**

**Attachment 4**

**SCORING FOR BEST VALUE SELECTION PROCESS**

**STEP 1 – PREQUALIFICATION SCORING**

1. **Confirm Firm has passing answers for the “Pass/Fail Questions.”**
2. **Confirm Firm has submitted the required financial statements.** If not, notify Firm in writing that its Proposal is non-responsive for failing to include the required financial statements.
3. **Score the “Evaluated Questions.”**

<b>Topic/Question</b>	<b>Scoring &amp; Max. Poss. Score</b>		<b>Score</b>
1. Suspended or Revoked License		5	
2. Disbarred/Disqualified from Government Agency/Public Works Projects		5	
3. Denied as Non-Responsible Bidder		5	
4. Claim Against Firm		5	
5. Claim Against Owner		5	
6. Contract Termination for Cause		5	
7. Liable in Civil Suit		5	
8. Convicted of a Crime Related to Construction		5	
9. Convicted of Fraud		5	
10. Denied or Lapse of Bond Coverage within Last Five Years		5	
11. Workman’s Compensation Lapse within Last Five Years		5	
12. Years in Business		5	
13. Current Bankruptcy		5	
14. Bankruptcy within Last Five Years		5	
15. Liquidated Damages within Last Five Years		5	
16. Insurance Refusal to Renew within Last Five Years		5	
17. More Than Three (3) Stop Payment Notices per Contract within Last Three Years		5	
18. Stop Payment Notices Resulting in Claim Against Payment Bond		5	
19. Required to Pay a Premium < 1%		5	
20. CAL OHSA Violations within Last		5	

Five Years = Serious, Willful or Repeat			
21. Federal OHSA Violations within Last Five Years		5	
22. EPA, Air Quality or Regional Water Quality Control Board Penalties with Last Five Years		5	
23. Safety Meetings		5	
24. Experience Modification Rate		5	
25. Required to Pay Back Wages (States Prevailing Wages)		5	
26. Required to Pay Back Wages (Federal = Davis-Bacon Prevailing Wages)		5	
27. Apprentice Violations		5	
<b>Total Score</b>		<b>135</b>	

## **STEP 2 – PROPOSAL SCORING**

The following scoring will be used in evaluating the Firm's Proposal responses to the following criteria, which will be determined by review all portions of the Proposal, including the "Content of Proposals" section of the RFQ/RFP and the "Contractor Project References" section of the Prequalification Questionnaire.

<b>Item</b>	<b>Description</b>	<b>Maximum Qualification Points</b>	<b>Firm's Qualification Points</b>
1. Personnel / Subconsultants	Firm's team members, especially team leaders, demonstrate applicable experience and expertise to perform Services in response to District's needs.	40	
2. Approach to Work	Firm demonstrates how it intends to work with the District and develop management techniques related to the District's educational program requirements.	40	
3. LLB Projects	Firm demonstrates past experience and expertise with LLB process.	10	
4. Preliminary Services	Firm demonstrates past experience and expertise to perform all Preliminary Services.	[N/A]	
5. Cost Savings / Value Engineering	Firm demonstrates past experience and expertise to perform value engineering services for the Projects.	10	
6. Budget	Firm demonstrates past experience and expertise to manage costs and stay within budgets on LLB projects.	20	
7. Schedule	Firm demonstrates ability on LLB projects to prepare and meet achievable construction schedules schedule management procedures, and successful handling of potential delays.	20	
8. Political Environment	Firm demonstrates experience managing projects within political environments including facilitation of community involvement in the construction process.	5	
9. Local Outreach	Firm demonstrates knowledge and understanding of the local environment and describes local outreach plan including local trade Contractors.	5	
10. Local Community	Firm demonstrates involvement in community and efforts at community outreach.	5	
11. Environmental	Firm indicates its past experience performing in an environmentally responsible manner.	5	
12. Firm Education	Firm describes its commitment to ongoing professional education.	5	
13. Conflict of Interest	Any potential or actual conflict of interest.	5	
14. Current Work Commitments	Firm describes current and projected workload.	5	
15. Additional Information	Strength of additional information provided by Firm.	5	
	<b>Total Score MINIMUM POINTS</b>	<b>180</b>	

### **STEP 3 – REFERENCES SCORING**

1. Contact references from the Firm's response to the "**Contractor Project References**" section of the Prequalification Questionnaire and scores those responses.
2. Fill out the information in Section I of the Qualification Evaluation – Reference Form and then call or email the contact person.
3. Ask the questions in Section II of the Qualification Evaluation – Reference Form. Ensure that you obtain the information regarding whether the Firm's performance in that area was "unsatisfactory," "below average," "average" or "above average." Assign the corresponding score for each answer in Section III.
4. Complete Section III of the Qualification Evaluation – Reference Form with the information received during the call or from email.
5. Use a separate Qualification Evaluation – Reference Form for each call or email.
6. Make three (3) complete reference calls or send emails for each Firm.
7. Enter the "Total Score for This Project" of all the Qualification Evaluation – Reference Forms for that Firm into an "Averaging" Worksheet.

<b>Sample "Averaging" Worksheet for 3 reference calls/emails per Firm – See next page</b>	
"Total Score for This Project" from first call/email	
"Total Score for This Project" from second call/email	
"Total Score for This Project" from third call/email	
<b>Total</b>	
<b>Total divided by three (÷ 3)</b> <b>[DIVIDE SCORE BY NUMBER OF CALLS/EMAILS]</b> This is the score for the Firm for the References Step in the evaluation process.	

### **STEP 3 – REFERENCES SCORING (CONTINUED)**

#### **References – Qualification Evaluation Form**

##### **Section I - General Project Information**

Name of Firm:	Total Contract Costs:
	Contract Start/End Dates:
Project Title:	Actual Completion Date:
Scope of Work:	
Name of Public Agency:	Telephone Number of Contact Person:
Name of Contact Person:	Date and Time of Interview of Contact Person:
Architect Firm:	Principal Architect in Charge of Project:

##### **Section II – Telephone Interview Questions**

1. **Quality of Work.** Were there quality-related problems on the project? Were these problems attributable to the Firm? Was the Firm cooperative in trying to resolve problems? If not, provide specific examples. **Please rate the Firm with respect to quality of work as either unsatisfactory, below average, average, or above average.**

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2. **Scheduling.** Rate the Firm's performance with regard to adhering to project schedules. Did the Firm meet the project schedule? If not, was the delay attributable to the Firm? **Please rate the Firm with respect to scheduling as either unsatisfactory, below average, average, or above average.**

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3. **Subcontractor (Project) Management.** Rate the Firm's ability to manage and coordinate subcontractors (if no subcontractors, rate the Firm's overall project management). Was the Firm able to effectively resolve problems? If not, provide specific examples. **Please rate the Firm with respect to project management as either unsatisfactory, below average, average, or above average.**

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4. **Change Orders.** Rate the Firm's performance with regard to change orders and extras. Did the Firm unreasonably claim change orders or extras? Were the Firm's prices on change orders and extras reasonable? If not, provide specific examples. **Please rate the Firm with respect to change orders as either unsatisfactory, below average, average, or above average.**

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5. **Working Relationships.** Rate the Firm's working relationships with other parties (i.e. owner, designer, subcontractors, etc.). Did the Firm relate to other parties in a professional manner? If not, provide specific examples. **Please rate the Firm with respect to working relationships as either unsatisfactory, below average, average, or above average.**

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6. **Responsiveness.** Rate the Firm's responsiveness to telephone calls, emails, meetings, requests for action, etc. Did the Firm respond to inquiries promptly and substantively? If not, provide specific examples. **Please rate the Firm with respect to responsiveness as either unsatisfactory, below average, average, or above average.**

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7. **On-Site Firm Staff.** Rate the Firm's on-site staff relating to their management of the site, communication and interaction with owner's staff, and familiarity with project scope and status. **Please rate the Firm's on-site staff as either unsatisfactory, below average, average, or above average.**

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8. **Paperwork Processing.** Rate the Firm's performance in completing and submitting required project paperwork (i.e. submittals, drawings, requisitions, payrolls, etc.). Did the Firm submit the required paperwork promptly and in proper form? If not, provide specific examples. **Please rate the Firm with respect to paperwork processing as either unsatisfactory, below average, average, or above average.**

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9. **Value Engineering.** Rate the Firm's performance in analyzing designed building features, systems, equipment, and material selections for the purpose of achieving essential functions at the lowest life cycle cost consistent with required performance, quality, reliability, and safety. **Please rate the Firm with respect to providing value engineering services as either unsatisfactory, below average, average, or above average.**

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### Section III - Numerical Rating

If the contact person rates the Firm unsatisfactory in any area, please attempt to provide written comments in Section II to explain the rating(s) assigned.

Firm's Name: \_\_\_\_\_

	Unsatisfactory	Below Average	Average	Above Average	Rating
1. Quality of Work	0	5	15	20	
2. Scheduling	0	5	10	15	
3. Subcontractor (Project) Mgt.	0	5	10	15	
4. Change Orders	0	5	10	15	
5. Working Relationship	0	5	10	15	
6. Responsiveness	0	5	10	15	
7. On-Site Staff	0	5	10	15	
8. Paperwork Processing	0	2	5	10	
9. Value Engineering	0	2	5	10	
Total Score for This Project					

#### **STEP 4 – INTERVIEW SCORING**

Firms meeting or exceeding the minimum total qualification points through Step 3 will be invited to interview with the District. The subject matter for the interview will be at the District's discretion but shall include, at a minimum, the following topics.

Item	Maximum Qualification Points	Qualification Points
1. <b>Current Project:</b> Firm's articulation of how it will construct the Project, its ideas related to constructability, and other construction-specific ideas, concerns, or related issues (i.e. schedules, budgets, subcontractor selection, etc.). <u>Explain your Firm's philosophy and approach regarding apportioning contingency when providing a guaranteed maximum price for a project.</u>	45	
2. <b>Past Projects/Experience:</b> Firm's articulation of Firm's history, education, and background; Firm's experiences working with similar, past projects; issues faced and how addressed (i.e. claims, bonding/surety involvement, owner relations, citations, etc.); and questions, concerns, and highlights from Proposal.	35	
3. <b>Overall Ability and General Suitability.</b> Firm's articulation of its overall skills, ability to complete the Project, and general suitability for the District's purposes (i.e. implementation of District policies and procedures, compliance with District Programs, political atmosphere, additional information, etc.)	30	
4. <b>Personnel/Leadership:</b> Firm's articulation of its Project-designated personnel, leadership, subcontractor relations, apprenticeship program, etc.	30	
SUBTOTAL QUALIFICATION POINTS FROM STEP 4	140	



## Attachment 5

### SUBCONTRACTOR PROCUREMENT PROCESS

**Bidding for Subcontractor Work.** This RFP and each RFP that is subsequently issued by the District shall require each Contractor to prequalify some or all subcontractors and to comply with the requirements for the procurement of Subcontractors set forth in Education Code section 17406 and as further detailed in each RFP. The Subcontractor procurement process will be adapted by the District as needed for each Project. The Subcontractor procurement process may be one or a combination of the following processes:

- **One Step Process of Low-Bid or Best-Value or Combination of Both.** The RFP may ask for a lump-sum cost for the project and the District will select the Contractor on a low-bid basis, a best-value basis, or a combination of both. All Contractors' subcontractors in excess of one-half of one percent of that lump sum cost shall be identified in the Contractors' proposals and shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act. (Public Contract Code § 4100, et seq.)
- **Two-Step Process of Low Bid or Best Value or Combination of Both.**
  - Step 1.** The RFP may ask Contractors to provide (1) some initial pricing information (e.g., fee for preliminary services, general conditions, partial construction services, etc.) and (2) some subcontractors be identified in the proposal. The District will select the Contractor on a low-bid basis, a best-value basis, or a combination of both.
  - Step 2.** The selected Contractor, when directed later by the District, shall provide a final lump sum guaranteed project cost. At that time, the District will inform the Contractor whether the Contractor will award the subcontracts on a low-bid basis, a best-value basis, or a combination of both. Also at that time, the successful Contractor shall provide notice of bidding for all remaining subcontractors "in accordance with the publication requirements applicable to the District's competitive selection process." **The District intends to work with the successful Contractor for each Project to issue an advertisement to solicit Subcontractors in compliance with statutory requirements and the District's process.**

**Best-Value Process for Subcontractor Selection.** If the District directs the selected Contractor to award some or all of its subcontracts on a best value basis, the Contractor shall utilize the following best value criteria and process:

<b>Best Value Criteria for Subcontractors</b>	<b>Required Response for a Subcontractor to Qualify</b>
<b>1.</b> Has the subcontractor performed at least two (2) subcontracts for at least 90% of the value of the current subcontract?	<b>Yes</b>
<b>2.</b> Has the subcontractor been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years?	<b>No</b>
<b>3.</b> Has the subcontractor defaulted on a contract, been substituted off a project after beginning performance, or been terminated for cause by any prime Contractor or public agency on any project within California during the past five (5) years and has that default, substitution or termination been upheld by a court or an arbitrator?	<b>No</b>
<b>4.</b> Has the subcontractor paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past five (5) years?	<b>No</b>
<b>5.</b> Has the subcontractor's Workers' Compensation Experience Modification Rate exceeded 1.5 at any time for the past five (5) premium years?	<b>No</b>

6. Has the subcontractor failed in its performance of a contract with the Contractor during the past five (5) years and does the Contractor have documentation to support that failed performance? (If so, and if the Contractor does not wish to subcontract with that subcontractor and if it provides to the District with that documentation, the District shall, at its reasonable discretion, permit Contractor to list and contract with the next lowest subcontractor for the project.)	No
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