

**REQUEST FOR QUALIFICATIONS/  
REQUEST FOR PROPOSALS**

**LEASE-LEASEBACK  
CONSTRUCTION SERVICES FOR  
NEW PENINSULA HIGH SCHOOL  
INCREMENT 1 SITE  
DEVELOPMENT WORK PROJECT**

**SAN MATEO UNION HIGH SCHOOL  
DISTRICT  
650 N. Delaware Street  
San Mateo, CA 94401  
650-558-2299**

**RFQ/RFP Issued: March 8, 2019  
Pre-qualification applications due: March 22, 2019  
Proposals due: April 19, 2019  
Award Issued: May 9, 2019**

**SAN MATEO UNION HIGH SCHOOL DISTRICT**  
**REQUEST FOR QUALIFICATIONS/  
REQUESTS FOR PROPOSALS FOR  
LEASE-LEASEBACK CONSTRUCTION SERVICES**

Pursuant to Education Code Section 17406 and AB 2316, the San Mateo Union High School District (“District”) seeks proposals for “best value” Lease-Leaseback Construction Services (“LLB”) for construction of the New Peninsula High School Increment 1 Site Development Work Project (“New PHS Increment 1 Project” or “Project”).

**I. SCHEDULE**

March 8, 2019 – District issues RFQ/RFP and first date of publication of RFQ/RFP

March 15, 2019 – Second date of publication of RFQ/RFP

March 22, 2019 – Last day to submit pre-qualification applications (due by 4:00 p.m.)

March 29, 2019 – District to give notice of pre-qualification status

April 9, 2019 – Last day for pre-qualified proposers to submit questions to District (due by 4:00 p.m.)

April 16, 2019 – Answers to questions/addenda to be issued by District, if any

April 19, 2019 – Last day for pre-qualified proposers to submit proposals (due by 4:00 p.m.)

May 9, 2019 – LLB award for pre-construction services issued at the regular meeting of the Board of Trustees

May 10, 2019 – June 10, 2019 – Subcontractors may submit prequalification applications, if necessary, and proposals

June 6, 2019 – Award Final Guaranteed Maximum Price Contract and LLB Contract Documents

July 1, 2019 – District issues Notice to Proceed

**II. PROJECT DESCRIPTION**

Peninsula High School (PHS) is currently located at 300 Piedmont Avenue, San Bruno, CA. The District plans to close PHS at the Piedmont Avenue location and build a new PHS campus on an approximately 1-acre site at 858-860 Hinckley Road, Burlingame, CA (“Project Site” or “Site”) which is in a business park east of Highway 101 and west of the Bayshore Highway. The Project Site is located among other warehouse and light industrial uses. Access to the Project Site is from the existing driveway on Hinckley Road. Regionally, the site is accessed from US Highway 101 and Bayshore Highway.

The Project Site currently houses a 13,000 sq. ft. concrete tilt-up office/warehouse building and a paved parking lot. A small lawn faces the Hinckley Road frontage of the Site. The Site is nearly level and about 10 feet above mean sea level. The Site is currently occupied by a printing business and will be vacant upon Project commencement.

The New PHS will consist of three two-story buildings with a total of approximately 15,000 sq. ft. of gross building area (with an additional 2,914 sq. ft. of exterior stairs and upper floor balcony space). The New PHS will have a capacity of 225 students and 15 faculty and staff. The buildings will contain (conceptually):

- 7 standard Classrooms (960 sq. ft. each)
- 1 culinary arts classroom (1400 sq. ft.)
- 1 science classroom (1,400 sq. ft.)
- 1 lunch/meeting room (2,000 sq. ft.)
- Administration offices (1,500 sq. ft.)
- Wellness center (960 sq. ft.)
- Student and staff restrooms (750 sq. ft.)
- Electrical/mechanical room (150 sq. ft.)

In addition to the building space, New PHS will include (conceptually):

- A full-size basketball court
- A courtyard
- Parking for 32 cars (staff parking; no student parking is proposed)

This Project will require multiple phases and activities as described below:

Increment 1. This phase will involve site development work. The existing building and pavement would be removed. The Site would be cleared and grubbed and the soil would be processed as recommended by the Project geotechnical engineer. Site utilities, including storm drain, sanitary sewer, domestic water, fire suppression water and natural gas piping, would be installed. Site electrical and telecommunications infrastructure would be installed in underground conduits. Final grades would be established for building pads and site paving. This work is anticipated to start on July 1, 2019 and continue through March 2020.

Increment 2. This phase will involve the construction of the new school buildings. The buildings will be installed/constructed from March 2020 through May 2020. The New PHS is slated to open in August 2020.

DSA approval of the plans and specifications for the Project has not yet been issued, but documents will be submitted to DSA on March 15, 2019.

Any pre-construction services may be performed by the pre-qualified proposer that is awarded the Project (“Contractor”) before DSA approval. After DSA approval of plans and completion of pre-construction services, a guaranteed maximum price construction contract (“GMP Contract”) will be finalized between District and Contractor as part of the Facilities Lease. The final GMP Contract must be approved by the Board before a notice to proceed is issued.

The Contractor will perform all work as substantially set forth in the form lease-leaseback contract documents attached hereto as **Exhibit C**, which include the Site Lease, Facilities Lease, and the GMP Contract (“LLB Contract Documents”). The LLB Contract documents are required. The LLB Entity may contract with separate specialty subcontractors (See Section III.C below) to perform the various trades comprising the entire Scope of Work set forth in detail below.

### **III. SCOPE OF WORK**

#### **A. Scope of Work**

The New PHS Increment 1 Site Development Work will include the following work necessary to prepare the site for installation of modular classrooms:

- Demolition of existing concrete building and site improvements
- Rough grading including any required import or export of soils
- Site utilities including storm drain, sanitary sewer, fire water and domestic water
- Electrical main service in conjunction with PG&E
- Underground conduits for AT&T and CATV
- Cast-in-Drilled Hole Pilings
- Footings and Grade Beams including rebar

#### **B. Project Schedule**

The District expects construction to commence July 1, 2019. The anticipated completion date for the Project is October 2019.

#### **C. Subcontractors**

All subcontractors not identified in the original proposal and who will perform more than 0.5% of the price allocable to pre-construction and construction work must be selected by a competitive bidding process or best value process as described in Education Code section 17406(a)(4). Contractor shall establish reasonable qualification criteria and standards for subcontractors and shall provide public notice of availability of work to be subcontracted in accordance with the publication date applicable to the District’s competitive bidding process, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

All electrical, mechanical and plumbing contractors shall be prequalified pursuant to Education Code section 17406 subsection (a)(2)(C), and Public Contract Code section 20111.6 subsections (b) through (m), prior to Contractor’s submission of its proposal. It is mandatory that all General Contractors (GCs) and Mechanical, Electrical, and Plumbing (MEP) Subcontractors hold the following license classifications: C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 and/or C-46.

All subcontractors shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act (commencing with Public Contract Code section 4100).

### **IV. PROPOSAL REQUIREMENTS**

**A. Phase 1: Prequalification**

All Contractors submitting proposals must be prequalified pursuant to Education Code section 17406 subsection (a)(2)(C) and Public Contract Code section 20111.6 subsections (b) through (m), prior to submitting a proposal. Prequalification applications are attached hereto as **Exhibit A**. A proposal submitted by a Contractor that is not prequalified will not be accepted and will not be considered by the District. To be prequalified for the Project, prequalification application packets must be completed and returned to the following person/address by no later than **4:00 p.m. on March 22, 2019** in a sealed envelope marked “CONFIDENTIAL”:

Pam Martinez  
San Mateo Union High School District  
650 N. Delaware Street  
San Mateo, CA 94401-1732

Note that if used, electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements for prospective bidders set forth in Section 20111.6(b)-(m) of the Public Contract Code. The District will give notice of prequalification status no later than **March 29, 2019**.

**B. Phase 2: Proposals**

**1. Format and Content of Proposals**

An original + six (6) copies of each pre-qualified Contractor’s sealed proposal for the Project shall be delivered to the following address no later than **4:00 p.m. on April 19, 2019**:

Pam Martinez  
San Mateo Union High School District  
650 N. Delaware Street  
San Mateo, CA 94401-1732

Facsimile (FAX), e-mail, or other electronic copies of the proposal will not be accepted. Only hard copies will be accepted. Proposals not received by the deadline or in the proper format will be returned.

The proposal should be clear, concise, complete, well organized, and demonstrate Contractor’s qualifications, ideas, and ability to follow instructions. The proposal shall not be more than 30 single-sided pages in total length.

All Contractors submitting a proposal are required to follow the order and format specified below. Failure to follow the specified format and order may result in rejection of a proposal. Please tab each section of the submittal to correspond to the numbers/headers shown below.

**a. Proposal Cover**

The proposal shall include a cover page, which cover page shall set forth the RFP’s title and

submittal due date, the name, address, fax number, and the telephone number of responding firm (or firms if there is a joint venture or association).

**b. Elements of Proposal**

The following should be included in the proposal in the order listed:

- Prequalification certification (see below).
- Proposal, including lump-sum price for pre-construction and construction services.
- Subcontractor Designation, (**Attachment 1**).
- Worker's Compensation Certification (**Attachment 2**).
- Iran Contracting Act Certification (if Contractor's total lump sum price exceeds \$1,000,000) (**Attachment 3**).
- DVBE Certification (**Attachment 4**).
- DVBE Worksheet (**Attachment 5**).
- Non-collusion Declaration (**Attachment 6**).
- Sufficient Funds Declaration (**Attachment 7**).
- Fingerprinting Notice and Acknowledgement (**Attachment 8**).
- Drug-Free Workplace Certification (**Attachment 9**).
- For all projects over Twenty-five Thousand dollars (\$25,000), proof of public works contractor registration to perform public work under Labor Code section 1725.5.

**V. BEST VALUE SELECTION PROCEDURES**

First, all proposals will be reviewed to determine whether they meet the format requirements and standards specified in this request for proposals.

The purpose of this Request for Proposals is to enable the District to select the Contractor that submitted the proposal that is the best value to the District for the Project as required by Education Code section 17406. The term "best value" as used in this RFP is defined in Education Code section 17400, and is inclusive of a competitive procurement process whereby the Contractor is selected on the basis of objective criteria for evaluating qualifications with the resulting selection representing the best combination of price and qualifications. 100 points are available for the price portion of the proposal, and 100 points are available for the qualifications portion of the proposal, for a total of 200 available points.

The District will use the selection process outlined below, which conforms to Education Code section 17406 and ensures that the best value selection by the District is conducted in a fair and impartial manner. A review and selection committee composed of key District officials and consultants will review and evaluate all proposals.

**Part 1: Qualifications Proposal**

Proposals will be opened privately to ensure confidentiality and to avoid disclosure of the contents to competing Contractors prior to and during the review and evaluation process. Following selection of a Contractor pursuant to this RFP, proposals may be subject to disclosure in accordance with applicable law.

Staff will evaluate proposals using a one hundred (100) point “best value” scale. Each criterion has a point value that corresponds to a weighted percentage, which are listed next to the criterion. Each criterion will be evaluated by the District and the District will award a point value to Contractor for each criterion. The maximum cumulative number of points available to any Contractor is 100 points. The criteria, their weighted percentages, and their corresponding point values are as follows:

- Bonding Capacity (weighted percentage: 10%; points possible: 10)
- Percentage of Credit Line Used (weighted percentage: 10%; points possible: 10)
- Experience (weighted percentage: 10%; points possible: 20)
- Financial History & Licensing (weighted percentage: 10%; points possible: 10)
- Disputes (weighted percentage: 20%; points possible: 20)
- Insurance and Bonding (weighted percentage: 10%; points possible: 10)
- Compliance with Law (weighted percentage: 10%; points possible: 10)
- Prevailing Wage and Apprenticeship Record (weighted percentage: 10%; points possible: 10)

For the qualifications portion of the best value analysis and for the purpose of evaluating Contractors’ qualifications pursuant to the criteria set forth above, the District will evaluate each Contractor on the basis of the responses provided in the Contractor’s completed Prequalification application, which was required to be completed and submitted to District as part of the prequalification process and as a condition precedent to submitting a proposal for the Project. In conjunction with a proposal, each proposing Contractor must include a statement certifying that Contractor’s responses in its Prequalification submission continue to be true and correct at the time Contractor submits a proposal.

If any of Contractor’s answers to the Prequalification application have changed since submitting the completed Prequalification application, then the proposing Contractor must also specify which answers have changed and provide amended answers to the District at the same time Contractor submits its Proposal. Contractor’s amended answers will be used for the qualifications portion of the best value analysis and for the purpose of evaluating Contractors pursuant to the criteria set forth above, provided, however, that in the event Contractor’s amended answers are a response of “No” to any of questions 1 through 6 of Part I of the Prequalification application, or a response of “Yes” to any of questions 7 through 8 of Part I of the Prequalification application, such response shall deem Contractor to not be minimally qualified to perform the Project and will result in rejection of Contractor’s proposal for the Project.

## Part 2: Price Proposal

For the price proposal portion of the best value analysis, the District will evaluate the amount of Contractor’s lump sum price. The price proposal portion of the best value analysis will also be scored on a one hundred (100) point scale. District will score Contractors on the basis of the lowest to highest price proposal submitted. All Contractors submitting a price proposal will receive points, in increments of ten (10), based on the amount of the price proposal, with the Contractor with the lowest price proposal receiving the most points available and the Contractor with the highest price proposal receiving the fewest points available. Specifically, the Contractor with the lowest price proposal will receive 100 points, the Contractor with the second lowest price proposal will receive

90 points, the Contractor with the third lowest price proposal will receive 80 points, and so forth until all Contractors have received points. In the event two Contractors submit price proposals with the same overall price, both Contractors shall be awarded the same amount of points.

After the District has allocated points to qualifying Contractors for both the qualification and price proposal portions of the best value analysis, the District will combine the points received by each Contractor based on Contractor's qualifications and price proposal to create each Contractor's best value score. District will then rank all Contractors based on each Contractor's best value score. The Contractor with the highest best value score (highest combined point total from the qualifications and price proposal analysis) shall be ranked highest, and all remaining Contractors shall be ranked in descending order based on the Contractor's best value score, such that the Contractor receiving the lowest best value score receives the lowest ranking.

## **VI. AWARD**

The District reserves the right to reject any or all proposals, or waive any irregularities in any of the proposals submitted pursuant to this RFP. The Project shall be awarded to the responsive Contractor with the highest best value score. In the event of a tie (more than one Contractor has the same highest best value score), District may award the Project to the Contractor of its choice.

The Board is expected to make its selection at its regular meeting on May 9, 2019. The meeting will be held at 6:00 p.m. in the District offices located at 650 N. Delaware Street, San Mateo, California. The District will issue a statement regarding the basis of the award.

If the Contractor to which the Board awards the Project refuses to execute the LLB Contract Documents and submit a payment bond, performance bond, proof of required insurance, and other required documents within ten (10) days following award, the Board may revoke the award to that Contractor and award to the Contractor that submitted the next highest ranked proposal.

## **VII. CONTRACT REQUIREMENTS**

### **A. Financing**

The successful Contractor will be financing the construction of the Project through a lease-leaseback arrangement, and the District will be paying Contractor for its pre-construction services, construction services, and financing through monthly lease payments that will extend beyond the completion of the construction.

### **B. Proposed Budget**

The District will require an open book policy with the successful Contractor and its construction team on the entire Project, meaning that all costs shall be clearly set forth to the District's satisfaction, including soft costs, site improvements, and construction costs. The District shall be entitled to have access to subcontractor bids, value engineering back-up, contingency breakdown and tracking, general conditions breakdown and tracking, documentation of Contractor's fees, and all other information necessary to verify construction costs.

The Project is subject to the payment of prevailing wages under the California Labor Code



and applicable regulations, and the Project will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

### **C. Cost Estimate**

The District estimates that the total construction cost of the Project will be Three Million dollars (\$3,000,000.00). This estimate is subject to change.

### **D. Scope of the Lump Sum Price Proposal**

All proposals shall be in the form of a lump sum price. The lump sum price proposed by Contractor shall be the total amount for pre-construction and construction services, as set forth in the LLB Contract Documents (attached hereto as **Exhibit C**), which shall constitute the total compensation to Contractor for constructing the Project and performing the Work. Each Contractor's proposed lump sum price for the Project must cover all of Contractor's profit, and all of its costs of construction of the work specified in the LLB Contract Documents, including but not limited to the following:

1. General conditions and general requirements, including but not limited to temporary facilities, utilities, structures, fences, dust control, scheduling, safety, scaffolding, and SWPPP.
2. All subcontractor costs and material and equipment supplier costs.
3. Contractor's overhead, supervision of subcontractors and other management responsibilities, and its materials, equipment, and employees/labor (including but not limited to wages, salaries, and benefits) costs, for any work performed by the Contractor.
4. All bonds and insurance, including but not limited to payment and performance bonds.
5. All other costs incurred in performance of Contractor's obligations under the terms of the LLB Contract Documents, including but not limited to the Site Lease and Facilities Lease.

Once any pre-construction services are completed and subcontractors are selected, and upon approval of plans and specifications by DSA, the successful proposer and the District shall finalize the price for the services to be provided under the GMP.

## **VIII. GENERAL INFORMATION**

### **A. Amendments**

The District reserves the right to cancel or revise this RFP in part or in its entirety. If the District cancels or revises the RFP, all Contractors will be so notified by addenda. The District also reserves the right to extend the dates when prequalification applications are due, responses are due, it announces the results of its best value analysis, or the date on which the award will be made.

### **B. Inquiries**

Any questions concerning this RFP or selection process may be directed to Pam Martinez; telephone: (650) 558-2204; e-mail: pmartinez@smuhdsd.org. Replies involving any substantive issues will be issued by addenda and mailed to all parties recorded by the District as having received the RFP documents. Only answers provided by formal written addenda will be binding.

## **IX. SPECIAL CONDITIONS**

### **A. Non-Discrimination**

The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.

### **B. Costs**

Costs of preparing a pre-qualification application and proposal in response to this RFP are solely the responsibility of the responding Contractor.

### **C. Prevailing Wages**

Respondents are advised that this Project is a public work for purposes of the California Labor Code, which requires payment of prevailing per diem wages, as well as wages for legal holidays and overtime. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations website at [www.dir.ca.gov](http://www.dir.ca.gov). Any Contractor to which a contract is awarded must pay the prevailing rates, post copies thereof at the job site, provide payroll records when required, and otherwise comply with applicable provisions of state law.

### **D. State Registration**

For all projects over Twenty-five Thousand dollars (\$25,000): the proposing Contractors and any proposed subcontractors shall not be qualified to submit a proposal, or to be listed in a proposal, for the Project, and shall not be qualified to enter into, or engage in the performance of, the LLB Contract Documents, unless currently registered and qualified under Labor Code section 1725.5 to perform public work as defined by Division 2, Part 7, Chapter 1 (§§1720 et seq.) of the Labor Code.

### **E. Limitations**

This RFP does not commit the District to award a contract, to defray any costs incurred in the preparation of a proposal pursuant to the RFP, or to procure or contract for work. The District reserves the right to waive any irregularities in the proposals received pursuant to this RFP, or in the process outlined herein for selection of a contractor for the Project.

### **F. Validity of Proposals**

All proposals will be considered valid and prices will be considered fixed for a period of sixty (60) days following submission.

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## SUBCONTRACTOR DESIGNATION

[To be executed and submitted by Contractor with response to Lease-Leaseback RFP]

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Each proposing Contractor shall set forth below the name and the location of the place of business of each subcontractor, and the California contractor license number of each subcontractor, who will perform work or labor or render service to the Contractor in or about the construction of the Project, or to a subcontractor licensed by the State of California who, under subcontract to the proposing Contractor, specially fabricates and installs a portion of the Project to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (0.5%) of the proposing Contractor's total proposal, and the portion of the work which will be done by each subcontractor. An inadvertent error in listing a California contractor's license number shall not be grounds for filing a protest or for considering the proposal nonresponsive if the proposing Contractor submits the corrected contractor's license number to the District within 24 hours after the deadline for submittal of the proposal, or any continuation thereof, so long as the corrected contractor's license number corresponds to the submitted name and location for that subcontractor.

If the proposing Contractor fails to specify a subcontractor for any portion of the work to be performed under the LLB Contract Documents in excess of one-half of one percent (0.5%) of the proposing Contractor's total proposal, the proposing Contractor shall be deemed to have agreed to perform such portion itself, and shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work as to which no subcontractor was designated in the original proposal shall only be permitted as provided in subdivision (a)(4)(B) of Section 17406 of the Education Code, or in cases of public emergency or necessity and then only after a finding reduced to writing as a public record of the legislative body of the District.

For any proposal submitted, and for any contract for public work entered into, an inadvertent error in listing a subcontractor who is not registered under Labor Code Section 1725.5 shall not be grounds for filing a protest or grounds for considering the proposal nonresponsive, provided that either: the subcontractor is registered prior to the deadline for submittal of the proposal; or the subcontractor is registered and has paid the penalty registration fee specified in Labor Code Section 1725.5(a)(2)(E), if applicable, within 24 hours after the deadline for submittal of the proposal; or the subcontractor is replaced by another registered subcontractor under Public Contract Code Section 4107. Failure of a listed subcontractor to be registered shall be grounds under Public Contract Code Section 4107 for the Contractor, with the District's consent, to substitute a registered subcontractor for the unregistered subcontractor.

Failure to provide this information in a legible manner may result in the rejection of an otherwise acceptable proposal.

**NOTE:** *Reproduce the following table for additional listings that do not fit on it.*



I am the authorized representative of the proposing Contractor submitting this Designation of Subcontractors and I declare that each subcontractor listed holds a valid and current contractor license in good standing in California to perform the portion of work for which the subcontractor is listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on\_\_\_\_\_, 20 , at \_\_\_\_\_[city], \_\_\_\_\_[state].

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

Print Name: \_\_\_\_\_

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

## WORKERS' COMPENSATION CERTIFICATE

(Labor Code Section 3700)

[To Be Signed and Submitted by Contractor with response to Lease-Leaseback RFP]

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California Labor Code Section 3700, in relevant part, provides:

*“Every employer except the state shall secure the payment of compensation in one or more of the following ways:*

*(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this state.*

*(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees... ”*

I am aware of the provisions of the Labor Code Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this LLB Contract. I shall supply the Owner with certificates of insurance evidencing that Workers' Compensation Insurance is in effect and providing that the Owner will receive thirty (30) days' notice of cancellation.

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Name of Contractor

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Signature

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Print Name

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Date

(In accordance with Article 5 (commencing at Section 1860), Chapter 1, Part 7, Division 2 of the Labor Code, the above certificate must be signed and filed with the Owner before performing any work under the contract.

## IRAN CONTRACTING ACT OF 2010 CERTIFICATION

(Public Contract Code Sections 2202-2208)

[To be signed and submitted by Contractor with response to Lease-Leaseback RFP]

As required by California Public Contract Code ("PCC") Section 2204 for contracts of \$1,000,000 or more, please insert your bidder or proposer name and Federal ID Number and complete one of the options below. Please note that California law establishes penalties for providing false certifications, including civil penalties equal to the greater of \$250,000 or twice the amount of the contract for which the false certification was made; contract termination; and three-year ineligibility to bid on contracts. (PCC § 2205.)

### OPTION #1 - CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the bidder or proposer identified below, and the bidder or proposer identified below is not on the current list of persons engaged in investment activities in Iran created by California Department of General Services ("DGS") and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS. (PCC § 2204(a).)

<i>Bidder or Proposer Name (Printed):</i>		<i>Federal ID Number :</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed:</i> _____, 2018	<i>Executed in</i> _____	

### OPTION #2 - EXEMPTION

Pursuant to Public Contract Code Sections 2203(c) and (d), a public entity may permit a bidder or Proposer engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enter into or renew, a contract for goods and services. If you have obtained an exemption from the District from the certification requirement under the Iran Contracting Act of 2010, please fill out the information below, and attach documentation demonstrating the exemption approval.

<i>Bidder or Proposer Name (Printed):</i>	<i>Federal ID Number:</i>
	<i>Executed in:</i> _____
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	<i>Date Executed:</i> _____, 20



# PRIME BIDDER CERTIFICATION OF DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION

To be completed by the Contractor Submitting a Lease-Leaseback Proposal.

PAGE 1 OF 2

PART I – IDENTIFICATION INFORMATION		
BIDDER'S NAME	BUSINESS ADDRESS	TELEPHONE NUMBER
SCHOOL DISTRICT	COUNTY	APPLICATION NO.
San Mateo Union High School District	San Mateo	
<p><b>PART II – METHOD OF COMPLIANCE WITH DVBE PARTICIPATION GOALS</b> – Include this form and any other applicable documents listed in this table with your bid/Proposal. Read the three columns in the table below as sentences from left to right. Check the appropriate box to indicate your method of committing the contract dollar amount.</p> <p><b>NOTE:</b> Architectural, engineering, environmental, land surveying or construction management firms must indicate their method of compliance by marking the appropriate box A, B, C, or D after selection by the District and before the contract is signed.</p>		
YOUR BUSINESS ENTERPRISE	AND YOU	AND YOU
A. <input type="checkbox"/> is Disabled Veteran owned and your forces, will perform at least 3 percent of this contract	will include a copy of your DVBE letter from the Office of Small Business and DVBE Services (OSDS).	
B. <input type="checkbox"/> is Disabled Veteran owned <b>but is unable</b> to perform the 3 percent of this contract with your forces	will use DVBE subcontractors/ suppliers to bring the contract participation to at least 3 percent	will include a copy of each DVBE's letter from OSDS (including yours, if applicable).
C. <input type="checkbox"/> is <b>not</b> Disabled Veteran owned	will use DVBE subcontractors/ suppliers for at least 3 percent of this contract	
D. <input type="checkbox"/> is unable to meet the required participation goals	will complete a Good Faith Effort to obtain DVBE participation	will include the Prime Bidder's Good Faith Effort Worksheet.

**Note:** An Office of Small Business and DVBE Services (OSDS) letter must be attached for each DVBE participating in the contract. The DVBE letter is obtained by application through the OSDS and must be provided at the time of bid opening. If the letter is not provided, the bid may be deemed nonresponsive and may be ineligible for award of the contract.

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**PART III – DVBE DOLLAR PARTICIPATION OF BID/PROPOSAL** – *Architectural, engineering, environmental, land surveying or construction management firms complete this part **after** selection by the district and before the contract is signed.*

*Show deductive alternate(s) in parenthesis. For more alternates/base bids, use a separate page to show items.*

- A. If your business enterprise is a DVBE, list in the appropriate column the total dollar amount of your bid to be performed by your own participation.
- B. List all your DVBE subcontractors/suppliers. Enter in the appropriate column the dollar amount for each of your subcontractors/suppliers.
- C. Enter the total of Lines A and B for each column.
- D. Enter the dollar amount of the bid/proposal to be performed by **non-DVBE** firms. Note: This line is the sum of the prime and subcontractor(s) **non-DVBE** dollar participation.
- E. Enter the sum of the column totals from Line C and Line D. Note: Please be aware that the final determination of DVBE compliance is made based on the contract amount resulting from the District's acceptance or rejection of alternates.

	<b>BASE BID/PROPOSAL</b>	<b>ALTERNATE #1</b>	<b>ALTERNATE #2</b>	<b>ALTERNATE #3 OR BASE BID B</b>	<b>ALTERNATE #4 OR BASE BID C</b>	<b>ALTERNATE #5 (Modernization or Reconstruction Only)</b>
A. Prime Bidder, <i>if DVBE (own participation)</i>	\$	\$	\$	\$	\$	\$
B. DVBE Subcontractor or Supplier						
1.						
2.						
3.						
4.						
C. Subtotal (A & B)						
D. Non-DVBE						
E. Total Bid						

## PRIME BIDDER GOOD FAITH EFFORT WORKSHEET

*This worksheet is to be used to assist the Contractor in meeting the 3% DVBE participation goal*

PAGE 1 OF 2

BIDDER'S NAME	BUSINESS ADDRESS	CONTACT PERSON
TELEPHONE NUMBER	OWNER	COUNTY

### GENERAL INSTRUCTIONS:

This worksheet is to be used to assist you in meeting the 3 percent DVBE participation goal. If specific information is not provided for Parts I through III, you do not meet the test of the "Good Faith Effort" and cannot so certify. If you are qualifying based on a "Good Faith Effort" you must include this form with your bid/proposal to the Owner.

### PART I – CONTACTS

To identify DVBE subcontractors/suppliers for participation in your bid/proposal, contact must be made with each of the following categories. It is recommended that you contact several DVBE organizations.

CATEGORY	TELEPHONE NUMBER	DATE CONTACTED	PERSON CONTACTED
1. Owner			
2. Office of Small Business and DVBE Services (OSDS). OSDS publishes a searchable list of Disabled Veteran Business Enterprises Internet address – <a href="http://www.bidsync.com/DPXBisCASB">http://www.bidsync.com/DPXBisCASB</a>			
3. DVBE Organizations ( <i>List</i> ):			
4. Write “recorded message” in this column, if applicable.			

**PART II – ADVERTISEMENTS** You must make at least two (2) advertisements, one (1) in a paper that focuses on DVBE and one (1) in a trade paper. Advertisements should be published at least 14 days prior to bid/proposal opening; if you cannot advertise 14 days prior, advertise as soon as possible and provide an explanation. (Advertisements must be published in time to allow for a reasonable response). Advertisements must include that your firm is seeking DVBE participation, the project name and location, your firm's name, your firm's contact person, and phone number.

*Attach copies of advertisements to this form.*

FOCUS/TRADE PAPER NAME	CHECK ONE		DATE OF ADVERTISEMENT
	TRADE	FOCUS	

**PART III – DVBE SOLICITATIONS** List DVBE subcontractors/suppliers that were invited to bid. Use the following instructions to complete the remainder of this section (read the three columns as a sentence from left to right). If you need additional space to list DVBE solicitations, please use a separate page and attach to this form.

IF THE DVBE.....	THEN.....	AND.....		
Was selected to participate	Check "yes" in the "SELECTED" column, include the applicable dollar amount in Part III of the Prime Bidder Certification	Include a copy of their DVBE letter from OSBCR.		
Was <b>not</b> selected to participate	Check "no" in the "SELECTED" column	State why in the "REASON NOT SELECTED" column.		
Did not respond to your solicitation	Check the "NO RESPONSE" column			
DISABLED VETERANS BUSINESS ENTERPRISES CONTACTED	SELECTED		REASON NOT SELECTED <i>This section must be completed</i>	NO RESPONSE
	YES	NO		

**IMPORTANT NOTE:**

Please be aware that certification of the "Good Faith Effort" may only be made if you fully complete Parts I, II, and III on both sides of this form. A copy of this form must be retained by you and may be subject to a future audit.

**CERTIFICATION**

I, \_\_\_\_\_ certify that I am the bidder's Chief Executive Officer and that I have made a diligent effort to ascertain the facts with regard to the representations made herein. In making this certification, I am aware of Section 12650 et seq. of the Government Code providing for the imposition of treble damages for making false claims.

SIGNATURE OF CHIEF EXECUTIVE OFFICER	DATE
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## NON-COLLUSION DECLARATION

(Public Contract Code Section 7106)

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[To be signed and submitted by Contractor with response to RFP Lease-Leaseback Agreement]

Owner: SAN MATEO UNION HIGH SCHOOL DISTRICT

PROJECT: NEW PENINSULA HIGH SCHOOL INCREMENT 1 SITE DEVELOPMENT WORK  
SCHOOL: PENINSULA HIGH SCHOOL  
SAN MATEO COUNTY, CALIFORNIA

The undersigned declares:

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing bid on the BHS Shell Replacement project ("Project").

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_, 20\_\_, at [CITY], California.

---

[Name]

**SUFFICIENT FUNDS DECLARATION**

(Labor Code Section 2810)

To Be Executed by Bidder and Submitted with Proposal

Owner: San Mateo Union High School District

Project: New PHS Increment 1 Site Development Project

I, \_\_\_\_\_, declare that I am the \_\_\_\_\_ of \_\_\_\_\_, the entity making and submitting the proposal for the above Project that accompanies this Declaration, and that such proposal includes sufficient funds to permit \_\_\_\_\_ [ENTITY] to comply with all local, state or federal labor laws or regulations during the performance of the Contract for the Project, including payment of prevailing wage, and that \_\_\_\_\_ [ENTITY] will comply with the provisions of Labor Code Section 2810(d) if awarded the Contract.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ [CITY], \_\_\_\_\_ [STATE].

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

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

## FINGERPRINTING NOTICE AND ACKNOWLEDGMENT

(Education Code Section 45125.2(a))

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[To be signed and submitted with response to Lease-Leaseback RFP]

Business entities entering into contracts with the Owner for the construction, reconstruction, rehabilitation or repair of a facility must comply with Education Code Sections 45125.1 and 45125.2. Such entities are responsible for ensuring full compliance with the law and should therefore review all applicable statutes and regulations. The following information is provided simply to assist such entities with compliance with the law.

1. If the Owner determines your employee(s) will have more than limited contact with students, then you must take one or more of the following steps:

- a. Install a physical barrier at the worksite to limit contact with pupils.
- b. Have an employee, who the Department of Justice has ascertained has not been convicted of a violent or serious felony, continually monitor and supervise employees. The entity shall verify in the Independent Contractor Student Contact Form to the Owner that the employee charged with monitoring and supervising its employees has no such convictions. *(See attached.)*
- c. Arrange, with Owner's approval, for surveillance by Owner's personnel.

If one or more of these steps is taken, you are not required to comply with Education Code Section 45125.1.

2. If you are providing the services in an emergency or exceptional situation, you are not required to comply with Education Code Section 45125.2. An "emergency or exceptional" situation is one in which pupil health or safety is endangered or when repairs are needed to make a facility safe and habitable. Owner shall determine whether an emergency or exceptional situation exists.

I have read the foregoing and agree to comply with the requirements of Education Code Sections 45125.1 and 45125.2 as applicable.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

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

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



## ATTACHMENT

Under Education Code Section 45125.1, no employee of a contractor or subcontractor who has been convicted of or has criminal proceedings pending for a violent or serious felony may come into contact with any student. A violent felony is any felony listed in Penal Code Section 667.5(c). Those violent felonies are presently defined as:

(1) Murder or voluntary manslaughter; (2) Mayhem; (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262; (4) Sodomy as defined in subdivision (c) or (d) of Section 286; (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a; (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288; (7) Any felony punishable by death or imprisonment in the state prison for life; (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55; (9) Any robbery; (10) Arson, in violation of subdivision (a) or (b) of Section 451; (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289; (12) Attempted murder; (13) A violation of Section 18745, 18750, or 18755; (14) Kidnapping; (15) Assault with the intent to commit a specified felony, in violation of Section 220; (16) Continuous sexual abuse of a child, in violation of Section 288.5; (17) Carjacking, as defined in subdivision (a) of Section 215; (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1; (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code; (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code; (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary; (22) Any violation of Section 12022.53; and (23) A violation of subdivision (b) or (c) of Section 11418.

A serious felony is any felony listed in Penal Code Section 1192.7(c). Those serious felonies are presently defined as:

(1) Murder or voluntary manslaughter; (2) Mayhem; (3) Rape; (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) Lewd or lascivious act on a child under the age of 14 years; (7) Any felony punishable by death or imprisonment in the state prison for life; (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) Attempted murder; (10) Assault with intent to commit rape, or robbery; (11) Assault with a deadly weapon or instrument on a peace officer; (12) Assault by a life prisoner on a non-inmate; (13) Assault with a deadly weapon by an inmate; (14) Arson; (15) Exploding a destructive device or any explosive with intent to injure; (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) Exploding a destructive device or any explosive with intent to murder; (18) Any burglary of the first degree; (19) Robbery or bank robbery; (20) Kidnapping; (21) Holding of a hostage by a person confined in a state prison; (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) Any felony in which the defendant personally used a dangerous or deadly weapon; (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) Grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machine gun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and (42) any conspiracy to commit an offense described in this subdivision.

## INDEPENDENT CONTRACTOR STUDENT CONTACT FORM

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Contractor Name: \_\_\_\_\_  
Supervisor/Foreman Name: \_\_\_\_\_  
Start Date: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Location of Work: \_\_\_\_\_  
Hours of Work: \_\_\_\_\_  
Length of Time on Grounds: \_\_\_\_\_  
Number of Employees on the Job: \_\_\_\_\_

Yes    No

☐    ☐ Employees will have more than limited contact with students as determined by Owner, or if by Contractor, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If yes, the following steps will be taken to ensure student safety (check):

- ☐ A physical barrier will be installed at the worksite to limit contact with pupils.
- ☐ Employees will be continually monitored and supervised by an employee who has not been convicted of a violent or serious felony.

Name of Supervising Employee: \_\_\_\_\_

Date of Department of Justice verification that supervising employee has not been convicted of a violent or serious felony: \_\_\_\_\_

Name of employee who is the custodian of the Department of Justice verification information: \_\_\_\_\_

- ☐ Owner agrees: Employees will be surveilled by Owner's personnel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: \_\_\_\_\_, 20\_\_ Signature: \_\_\_\_\_

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

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

## DRUG-FREE WORKPLACE CERTIFICATION

(Government Code Sections 8350 *et seq.*)

[To be signed and submitted by Contractor with response to Lease-Leaseback RFP]

This Drug-Free Workplace Certification is required pursuant to Government Code Sections 8350 *et seq.*, the Drug-Free Workplace Act of 1990. The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract or grant for the procurement of any property or services from any State agency must certify that it will provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract awarded by a State agency may be subject to suspension of payments or termination of the contract, or both, and the contractor may be subject to debarment from future contracting if the state agency determines that specified acts have occurred.

Pursuant to Government Code Section 8355, every person or organization awarded a contract or grant from a State agency shall certify that it will provide a drug-free workplace by doing all of the following:

*(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the person's or organization's workplace and specifying actions which will be taken against employees for violations of the prohibition;*

*(b) Establishing a drug-free awareness program to inform employees about all of the following:*

- (1) The dangers of drug abuse in the workplace;*
- (2) The person's or organization's policy of maintaining a drug-free workplace;*
- (3) The availability of drug counseling, rehabilitation and employee-assistance programs;*
- (4) The penalties that may be imposed upon employees for drug abuse Violations;*

*(c) Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required by subdivision (a) and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.*

I, the undersigned, agree to fulfill the terms and requirements of Government Code Section 8355 listed above and will publish a statement notifying employees concerning (a) the prohibition of controlled substance at the workplace, (b) establishing a drug-free awareness program, and (c) requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required by Section 8355(a) and requiring that the employee agree to abide by the terms of that statement.

I also understand that if the Owner determines that I have either (a) made a false certification herein, or (b) violated this certification by failing to carry out the requirements of Section 8355, that the contract or grant awarded herein is subject to suspension of payments, termination, or both. I further understand that should I violate the terms of the Drug-Free Workplace Act of 1990, I may be subject to debarment in accordance with the requirements of Section 8350 *et seq.*

I acknowledge that I am aware of the provisions of Government Code Section 8350, *et seq.* and hereby certify that I will adhere to the requirements of the Drug-Free Workplace Act of 1990.

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Name of Contractor

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Signature

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Print Name

## EXHIBIT "A"

### PREQUALIFICATION APPLICATION AND PROCEDURES FOR NEW PENINSULA HIGH SCHOOL INCREMENT 1 SITE DEVELOPMENT PROJECT ("PROJECT")

Pursuant to Section 17406(a)(2)(C) of the Education Code, all proposers for a Lease-Leaseback construction project under Section 17406(a)(1) must first be prequalified in accordance with subdivisions (b) through (m) of Section 20111.6 of the Public Contract Code. Accordingly, any Contractor (see definition below) who wishes to submit a proposal for the San Mateo Union High School District's ("District") Project must first submit a prequalification application and receive notice that it has been prequalified by the District.

Prime contractors must be prequalified, and if used, electrical, mechanical and plumbing ("EMP") subcontractors must also be prequalified, whether they are being utilized as prime contractors or subcontractors. "Prime contractors" include general engineering contractors (see Section 7056 of the Business and Professions Code) and general building contractors (see Section 7057 of the Business and Professions Code). EMP contractors are contractors holding any of the following licenses: "C-4", "C-7", "C-10", "C-16", "C-20", "C-34", "C-36", "C-38", "C-42", "C-43" or "C-46". All of the foregoing are "Contractors" who must be prequalified before submitting a proposal for the New Peninsula High School Increment 1 Site Development Project.

No bid will be accepted from a Contractor that has failed to comply with these requirements. 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.

**Pre-qualification applications for the Project may be submitted from March 8, 2019 through March 22, 2019 at 4:00 p.m.** Contractors who submit a complete pre-qualification package will be notified by first class mail of their qualification status, such notice to be mailed no later than **March 29, 2019**. The District's decision will be based on objective evaluation criteria, using a uniform system for rating applicants.

The pre-qualification packages should be submitted in a sealed envelope and marked "CONFIDENTIAL" to **Pam Martinez, San Mateo Union High School District, 650 North Delaware Street, San Mateo, CA 94401-1732**.

The prequalification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. 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.

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.

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.

A Contractor who has submitted a completed application form, and who receives a rating of “not qualified” from the District may appeal that determination. There is no appeal from a finding that a Contractor is not prequalified because of a failure to submit required information.

**Note:** This Prequalification Application applies only to the Project. A contractor may be found not prequalified for either:

- (1) Omission of requested information; or
- (2) Falsification of information.

Dated: December 7, 2018

Publication Dates: March 8 and 15, 2019

# **San Mateo Union High School District**

## **CONTRACTOR'S PRE-QUALIFICATION QUESTIONNAIRE FOR**

### **Lease-Leaseback Construction Services for New Peninsula High School Increment 1 Site Development Project**

**San Mateo Union High School District  
650 North Delaware Street  
San Mateo, CA 94401**

**CONTRACTOR’S PRE-QUALIFICATION QUESTIONNAIRE  
FOR LEASE-LEASEBACK CONSTRUCTION SERVICES FOR  
NEW PENINSULA HIGH SCHOOL INCREMENT 1 SITE  
DEVELOPMENT PROJECT**

Pursuant to Section 17406(a)(2)(C) of the Education Code, all proposers for a lease-leaseback construction project under Section 17406(a)(1) must first be prequalified in accordance with the provisions of California Public Contract Code section 20111.6. Accordingly, as a condition of bidding on the New Peninsula High School Increment 1 Site Development Project (“Project”), prospective bidders are required to submit to the District this Prequalification application. The applications may be submitted until **March 22, 2019 at 4:00 p.m.**

Applicants must submit two copies of a completed prequalification package on forms supplied by the District and a financial statement, as specified herein. The value of individual bid packages may vary from, but are limited to, \$125,000 to \$10 million.

**1. REQUEST FOR PREQUALIFICATION OF BIDDERS**

The San Mateo Union High School District (“District”) requires from all prospective bidders on the Project answers to all questions contained in a standard form prequalification questionnaire, and a detailed financial statement. The prequalification questionnaire requests detailed information, including background, experience, financial ability and references in performing public works projects.

These documents will be the basis of rating bidders. All questions 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 additional sheets are required for any of the responses, please attach additional sheets of paper signed by the owner, officer, principal and/or qualifying individual. Failure to provide any information requested may result in a reduced rating or disqualification from bidding on any project subject to the district’s prequalification policy. Any false statement will result in the immediate disqualification from bidding on all District Projects.

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.



Each prospective bidder must submit its most current reviewed or year-end audited financial statement, which must have been prepared by a Certified Public Accountant within twelve (12) months of each prospective bidder's submission of its prequalification package.

Each prospective bidder must also provide its most current year-to-date financial statement, which must have been prepared within three (3) months of each prospective bidder's submission of its prequalification package. **The requested financial statements are mandatory inclusions in the application submittals. A prospective bidder's failure to include any requested financial statement in the application submitted will result in automatic disqualification of the prospective bidder from bidding on the New Peninsula High School Increment 1 Site Development Project.** Late submission of financial statements will not be allowed.

The District will grade the year-end and year-to-date financial statements to determine the financial status and solvency of the prospective bidder under District guidelines.

Each prospective bidder's reviewed or audited financial statements shall not be made by any individual who is in the regular employ of the Contractor submitting the statement, nor by any individual who has more than a ten percent (10%) financial interest in the Contractor's business.

**Effective March 1, 2015, per DIR Public Works Funding Legislation –SB 854, all contractors and subcontractors MUST be registered with the DIR to bid public works projects and abide by all the requirements set within SB 854.** <http://www.dir.ca.gov/DIRNews/2014/2014-55.pdf>

## **2.SUBMISSION OF COMPLETED STATEMENTS**

Two (2) copies of a completed prequalification questionnaire, financial statements and supporting documents must be submitted to the District on or before **March 22, 2019 at 4:00 p.m.** Completed prequalification questionnaires and financial statements should be marked CONFIDENTIAL "PreQualification Package" and mailed or delivered to:

Pam Martinez  
Executive Coordinator to the Deputy Superintendent Business Services  
San Mateo Union High School District  
650 North Delaware Street  
San Mateo, CA 94401

Bids for the Project will not be accepted from Contractors that are not prequalified or did not timely submit a completed prequalification questionnaire and financial statements to the District. Responses to the questionnaire and financial statements are **NOT** public records and are **NOT** open to public inspection.

## **3.STANDARD OF REVIEW**

A committee, using a uniform system of rating applicants that has been approved by the Board of Trustees, will review questionnaires.

The Prequalification questionnaire includes points available for each question, and the objective scoring instructions. To prequalify, a Contractor must receive a passing score within each of the three large categories below:

History of the Business and Organizational Performance:

- Maximum score: 76
- Passing score: 57

Compliance with Occupational Safety and Health Laws and with other Labor Legislation Safety:

- Maximum score: 48
- Passing score: 36

Recent Construction Projects Completed:

- Maximum score for each interview: 180
- Passing score for each interview: 112

Note that not all questions in the questionnaire are score-able; some questions simply ask for information about the contractor firm's structure, officers, and history.

#### **4. NOTIFICATION OF PREQUALIFICATION RESULTS**

The District will send notice to applications of their prequalification status via first class mail no later than **March 29, 2019**.

In the event that the applicant is unable to obtain a bond in the time and form prescribed by the District, the applicant shall be suspended from the prequalified Contractor's list and not be allowed to bid on the Project until proof of bondability is provided.

#### **5. APPEAL PROCESS**

Should an applicant not agree with the decision of the review committee, that prospective bidder may appeal the decision to the Superintendent or their designee. The appeal must consist of a written request to the Executive Coordinator to the Deputy Superintendent at the address noted above, setting forth the specific reasons for the appeal and must be received by the District within seven (7) calendar days of the receipt of prequalification status, by certified mail. The Superintendent, or his designee, shall hold a hearing within three (3) business days of the filing of the notice of appeal and allow the prospective bidder an opportunity to be heard on the status. The appellant and the District may present evidence, testimony and information relevant to the status. The Superintendent, or his designee, shall issue a written decision after the conclusion of the hearing and mail or cause to be delivered said decision to the appellant within three (3) business days.

Should the applicant be dissatisfied with the Superintendent's, or his designee's, written decision, the aggrieved applicant may appeal the same to the Board of Trustees. This is to be done by filing a written notice of appeal to the Executive Coordinator to the Deputy Superintendent at the address noted above, setting forth the specific reasons, within five (5) calendar days of receipt of the decision of the Superintendent, or his designee. The District Prequalification Committee shall hold a hearing on the prequalification status within three (3) weeks, or as soon thereafter as possible, of receipt of the notice of appeal. Pending the hearing before the District Prequalification Committee, the decision of the Superintendent, or his designee, shall remain in full force and effect. Should the decision of the Superintendent, or his designee, be reversed or revised by the District Prequalification Committee, the decision shall take effect as of the date of the District Prequalification Committee decision and shall not

be retroactive. The decision of the District Pre-qualification Committee shall be final. Said decision shall be mailed or delivered to all parties.

It is the intention of the District that the date for the submission and opening of proposals for the New Peninsula High School Increment 1 Site Development Project will not be delayed or postponed to allow for completion of an appeal process.

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.

To the extent allowed by law, the information submitted by applicants shall remain confidential except on appeals to the Board of Trustees where information used to decide the appeal will become public. If you have any questions, please call Greystone West at 707-933-0624.

**Contractor's General/Financial Information Sheet**

1. Firm Name: \_\_\_\_\_ Check One: ☐ Corporation  
(as it appears on license) ☐ Partnership  
☐ Sole Prop.
2. Contact Person: \_\_\_\_\_
3. Contractor's name as it appears on license: \_\_\_\_\_
4. Street Address (P.O. Box is not acceptable): \_\_\_\_\_
5. City/State/Zip Code: \_\_\_\_\_
6. Telephone: ( \_\_\_\_\_ ) Fax: ( \_\_\_\_\_ )  
Email address \_\_\_\_\_
7. License classifications held in California and license numbers: \_\_\_\_\_  
\_\_\_\_\_
8. Please attach your most current reviewed or year-end audited financial statement, which must have been prepared by a Certified Public Accountant, within twelve (12) months of each applicant's submission of its prequalification package. Also, please provide your most current financial statement that must have been prepared within three (3) months of each applicant's submission of its prequalification package.
9. Name of accounting firm and primary contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_
10. How many years has this accounting firm prepared financial statements for you?  
How many years has this accounting firm prepared tax returns for you?  
\_\_\_\_\_

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11. Banking information:

Name of Bank:
Account Manager:
Address:
Telephone:
Account No.:
Line of Credit:
Amount in Use:
How Secured:
Expiration Date:

(Attach extra sheets for additional banks/accounts)

**PART I.      ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

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

**Contractor will be immediately disqualified if the answer to questions 7 or 8 “yes.”<sup>2</sup>**

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.  
☐ Yes      ☐ No

“No” = Disqualified, “Yes” = 0 points

2. Contractor has a liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate.  
☐ Yes      ☐ No

“No” = Disqualified, “Yes” = 0 points

3. Contractor has current Workers’ Compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.  
☐ Yes      ☐ No

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

“No” = Disqualified, “Yes” or “Exempt” = 0 points

4. If Contractor’s pre-qualification application successfully passes the phase one review, contractor will provide latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information in a timely manner. (This is mandatory unless Contractor is exempt)<sup>3</sup>  
☐ Yes      ☐ No      ☐ Exempt

**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.**

“No” = Disqualified, “Yes” or “Exempt” = 0 points

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

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 6 or 7 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1).” As of January 1, 2019, the qualifying amount is \$15 million, and 25 percent of that amount, therefore, is \$3.75 million.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California), which states your current single project and aggregate bonding capacity?<sup>4</sup>  
☐ Yes ☐ No

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

“No” = Disqualified, “Yes” = 0 points

6. Firm is registered with Department of Industrial Relations (DIR) to be eligible to submit a proposal for the project?

☐ Yes ☐ No

Registration Number: \_\_\_\_\_

“No” = Disqualified, “Yes” = 0 points

7. 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

“Yes” = Disqualified, “No” = 0 points

8. At any time during the last five years, has your firm, or any of its owners or officers, been convicted of a federal or state crime **of fraud, theft or any other act of dishonesty?**

☐ Yes ☐ No

“Yes” = Disqualified, “No” = 0 points

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

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

**For Firms That Are Corporations:**

- 1a. Date incorporated: \_\_\_\_\_  
1b. Under the laws of what state: \_\_\_\_\_  
1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent of the corporation’s stock.

Name	Position	Years with Co.	% Ownership	Social Security #
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<sup>4</sup> An additional notarized statement from the surety may be requested by the District at the time of submission of a Proposal, if this prequalification package is submitted more than 60 days prior to submission of the bid.


- 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 10 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:**

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

- 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 10 percent or more of the business, or 10 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 Intend to Make a Proposal 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

- 1c. On a separate sheet, provide all other pertinent information required in the sections above, for each corporation, partnership or sole-proprietorship that is a part of the 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 percent 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:

_____	_____	_____
2017	2016	2015

6. 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 = 2 points; 4 years = 3 points; 5 years = 4 points; 6 years or more = 5 points

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.

“No” = 3 points, “Yes” = 0 points

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.

“No” = 3 points, “Yes” = 0 points

9. Have you successfully completed three comparable DSA public works school projects of the same cost estimate of the project you intend to bid on?

☐ Yes ☐ No

“No” = -10 points, “Yes” = 0 points

Project Completed

Contract Amount

1. _____	_____
2. _____	_____
3. _____	_____

10. 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

“Yes” = Disqualified, “No” = 0 points

11. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

☐ Yes ☐ No

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

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“Yes” = Disqualified, “No” = 0 points

### Licenses

12. Have you held the same contractor’s license for the last three (3) years?

☐ Yes ☐ No

“No” = - 5 points, “Yes” = 0 points

13. Contractor’s license has two (2) or more citations listed within the past three (3) years.

☐ Yes ☐ No

“Yes” = - 5 points, “No” = 0 points

14. Has your contractor’s license been revoked at any time in the last five (5) years?

☐ Yes ☐ No

“Yes” = Disqualified, “No” = 0 points

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

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16. If any of your firm’s license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

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17. 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.

18. 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.

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

☐ Yes      ☐ No

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

“No” = 5 points, “Yes” = 0 points

### Disputes

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

☐ Yes      ☐ No

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

“No” = 5 points, “Yes” = 0 points

21. 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 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.

“No” = 5 points, “Yes” = 0 points

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

☐ Yes      ☐ No

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

“No” = 5 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 sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.**

23. 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).

“No” = 5 points, “Yes” = 0 points

“No” or “Yes” indication of one (1) such instance = 5 points

“Yes” indicating more than one (1) such instance = 0 points

24. 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).

“No” = 5 points, “Yes” = 0 points

25. 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.

“No” = 5 points

“Yes” indicating one (1) such instance = 3 points

“Yes” indicating two (2) such instances = 0 points

“Yes” indicating three (3) such instances = -5 points

26. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?  
☐ Yes ☐ No  
If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

“No” = 5 points, “Yes” = -5 points

### **Criminal Matters and Related Civil Suits**

27. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?  
☐ Yes ☐ No  
If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

“No” = 5 points, “Yes” = -5 points

28. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?  
☐ Yes ☐ No  
If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

“No” = 5 points, “Yes” = -5 points

29. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?  
☐ Yes ☐ No  
If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

“No” = 5 points, “Yes” = -5 points

### **Bonding**

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

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

Name of surety agent, address and telephone number:

\_\_\_\_\_

31. If your firm was required to pay a premium of more than one percent 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 percent, if you wish to do so.

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5 points if the rate is no more than 1%

3 points if the rate is not higher than 1.10%

0 points for any rating exceeding 1.10%

32. 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:

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33. 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

“No” = 5 points, “Yes” = 0 points

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**

34. 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.

“No” = 5 points

“Yes” indicating one (1) such instance = 3 points

“Yes” indicating two (2) or more such instances = 0 points

35. 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.

“No” = 5 points

“Yes” indicating one (1) such instance = 3 points

“Yes” indicating two (2) or more such instances = 0 points

36. 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.

“No” = 5 points

“Yes” indicating one (1) such instance = 3 points

“Yes” indicating two (2) or more such instances = 0 points

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

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Once a week or more often = 3 points

0 points for any other answer

38. 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.

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

3 points for a three year average EMR of more than 1.00 but not more than 1.20

-5 points for a three year average EMR of more than 1.20

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

☐ Yes ☐ No

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

"No" = 5 points, "Yes" = 0 points

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

40. 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.

"No" = 5 points, "Yes" = 0 points

41. 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.

“No” = 5 points, “Yes” = 0 points

42. 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 the New Peninsula High School Increment 1 Site Development Project, if you are prequalified and awarded the contract.

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43. 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.

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- (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).

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- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

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5 points for either: One (1) or more approved apprenticeship program(s) listed AND/OR one (1) or more persons completed an approved apprenticeship program while employed by your firm.

0 points for any other answer.

44. 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, 2017, 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 it occurred.**

☐ Yes ☐ No

If “yes,” provide the date(s) of such findings, and attach copies of the Department’s final

decision(s).

“No” = 5 points, “Yes” = 0 points

**PART III. RECENT CONSTRUCTION PROJECTS COMPLETED**

45. Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years.<sup>5</sup> Names and references must be current and verifiable. The District will make no more than three (3) attempts to contact each reference. If a response is not received within 14 calendar days, the Contractor will receive a score of zero (0) for that particular reference. Use separate sheets of paper that contains all the following information.

The interviews by the District of project managers on two projects completed recently by the contractor are the score-able part of this Section.

180 = Maximum score for each interview

112 = Passing score for each interview

The District will consider a contractor as qualified whose score on each of two interviews is 112 points or more; a denial of prequalification for a contractor whose score on either interview is less than 85 points; and conduct an additional interview with another reference if the score resulting from one interview is between 86 and 112 points.

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

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

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

Owner Contact (name, current phone number and email address):

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

Architect or Engineer: \_\_\_\_\_

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

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

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<sup>5</sup> 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.

Construction Manager (name, current phone number and email address):

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Description of Project, Scope of Work Performed:

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

Original Scheduled Completion Date: \_\_\_\_\_

Time Extensions Granted (number of days): \_\_\_\_\_

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

\* \* \* \* \*

The submitter of the foregoing answers to the questionnaire and financial statement has read the same and the matters stated therein are true of his or her own personal knowledge. The information is for the purpose of inducing the District to supply the submitter with plans and specifications, and any individual, company or other agency named therein is hereby authorized to supply the District with any information necessary to verify the statements. Submitter understands that any statement, which is proven to be false, shall be grounds for immediate exclusion of the named Contractor from the prequalification process. Should the foregoing statements at any time change or cease to be proper and true in any substantial respect, the named Contractor will refrain from bidding on District work until a revised and corrected statement is submitted. The submitter whose signature appears below has authority to bind the named Contractor.

The undersigned hereby declares that all of the statements made in the pre-qualification questionnaire and financial statements are true and correct and are made under the penalty of perjury under the laws of the State of California.

Dated: \_\_\_\_\_

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

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Company Name)

**EXHIBIT “B”**

**(RESERVED)**

**EXHIBIT “C”**

**LLB CONTRACT DOCUMENTS**