

INSTRUCTIONS FOR PRE-QUALIFICATIONS

California Uniform Public Construction Cost Accounting Act

NOTICE IS HEREBY GIVEN that pursuant to Article 3. Public Projects: Alternative Procedures established under California Public Contract Code §§ 22030 et seq. CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT ("District"), acting by and through its Board of Trustees, will receive up to, but not later than the above-stated date and time, Pre-Qualifications for the Contract for the Work generally described as Construction Projects between \$60,000 and \$200,000.

- 1. Preparation and Submittal of Pre-Qualification Application.** All submittals must be delivered on forms furnished by the District at or prior to the submittal date. All information required by the forms must be completely and accurately provided. Respondents are solely responsible for timely submission of Pre-Qualification to the District at the place designated in the Call for Pre-Qualifications. The District will place a date/time stamp machine in a conspicuous location at the place designated for submittals.
- 2. Documents Accompanying Pre-Qualification Application.** Each Pre-Qualification Application Packet shall be accompanied by: (a) the Letter of Interest with required information; (b) Pre-Qualification Application Form; (c) Non-Collusion Affidavit; and (d) Public Works Contractor Registration Certification. Failure of a Respondent to submit each of the foregoing completed and executed as required, will result in disqualification of such Respondent's Submittal for non-responsiveness.
- 3. Letter of Interest.** Each Respondent shall submit a Letter of Interest with the following information (a) Contractor name and address to which bid notices should be mailed, (b) Telephone number at which the contractor may be reached, (c) Type of Work in which the contractor is interested and currently licensed to perform, (d) Class of contractor's license number(s) held, (e) Contractor's license number(s) for each type of work, (f) Fax number at which the contractor may be reached, and (g) E-mail address at which the contractor may be reached. Failure of any Pre-Qualification to be accompanied without the Letter of Interest shall render such submittal to be non-responsive and rejected by the District.
- 4. Pre-Qualification Application Form.** Each Bidder shall submit an accurate and complete Pre-Qualification Application Form (attached herein this document). The omission of any portion or item on the application form shall result in disqualification of Respondent's submittal for non-responsiveness.
- 5. Non-Collusion Affidavit.** The form of Non-Collusion Affidavit included in the Pre-Qualification package must be completed and duly executed on behalf of the Respondent; failure of a Respondent to submit a completed and executed Non-Collusion Affidavit with its Pre-Qualifications will render the submittal as non-responsive.
- 6. Prevailing Wage Rates.** Pursuant to California Labor Code §1773, the Director of the Department of Industrial Relations of the State of California has determined the generally prevailing rates of wages in the locality in which the Work is to be performed. These determinations, entitled "PREVAILING WAGE SCALE" may be viewed and obtained by accessing the Division of Labor Standards Enforcement databases at <http://www.dir.ca.gov/dir/databases.html>. The Contractor awarded the Contract for the Work shall post a copy of all applicable prevailing wage rates for the Work at conspicuous locations at the Site of the Work. The Contractor and all Subcontractors performing any portion of the Work shall pay not less than the applicable prevailing wage rate for the classification of labor provide by their respective workers in prosecution and execution of the Work.

7. **Compliance with Immigration Reform and Control Act of 1986.** The Respondent is solely and exclusively responsible for employment of individuals for the Work of the Contract in conformity with the Immigration Reform and Control Act of 1986, 8 USC §§101 et seq. (the "IRCA"); the qualified Respondent shall also require that any person or entity employing labor in connection with any of the Work of the Contract shall so similarly comply with the IRCA.
8. **Anti-Discrimination.** It is the policy of the District that there is no discrimination against any prospective or active employee engaged in the Work because of race, color, ancestry, national origin, religious creed, sex, age or marital status. All Respondents agree to comply with the District's anti-discrimination policy and all applicable Federal and California anti-discrimination laws including but not limited to the California Fair Employment & Housing Act beginning with California Government Code §§12940 et seq. and California Labor Code §1735.
9. **Contractors License Classification.** Respondent must possess the appropriate classification(s) of California Contractors License at the time that the Contract for the Work is awarded. The Pre-Qualification of any Respondent not duly and properly licensed in accordance with the foregoing shall be rejected as non-responsive and the Respondent shall be subject to all penalties imposed by law as a result of not being properly licensed at the time of submitting its submittal.
10. **Public Records.** Submittals and other documents responding to the Annual Pre-Qualifications become the exclusive property of the District upon submittal to the District. Upon the District's issuance of the Qualifications, all submittals and other documents submitted in response to the Call for Pre-Qualifications shall thereupon be considered public records, except for information contained in such submittals deemed to be Trade Secrets (as defined in California Civil Code §3426.1). A Respondent that indiscriminately marks all or most of its submittal as exempt from disclosure as a public record, whether by the notations of "Trade Secret" "Confidential" "Proprietary" or otherwise, may render the submittal non-responsive and rejected. The District is not liable or responsible for the disclosure of such records, including those exempt from disclosure if disclosure is deemed required by law, by an order of Court, or which occurs through inadvertence, mistake or negligence on the part of the District or its If the District is required to defend or otherwise respond to any action or proceeding wherein request is made for the disclosure of the contents of any portion of a submittal deemed exempt from disclosure hereunder, the Respondent submitting the materials sought by such action or proceeding agrees to defend, indemnify and hold harmless the District in any action or proceeding from and against any liability, including without limitation attorneys' fees arising therefrom.
11. **Notice of Qualification.** Following the review of the Pre-Qualification submittals, the District will issue to the qualified and responsive Respondents who have timely submitted a Pre-Qualification Application Packet, a letter "Notifying Qualified Contractor" to whom the District intends to award a Labor and Materials Contract (Sample provided within this package).
12. **Contract and Bonds.** The Contract which the qualified Respondent, as a Contractor, will be required to execute along with the forms and amounts of the Labor and Material Payment Bond (if required), Performance Bond (if required) and other documents and instruments which will be required to be furnished are included in the Contract Documents and shall be carefully examined by the Bidder.

13. **Drug Free Workplace Certificate.** In accordance with California Government Code §§8350 et seq., the Drug Free Workplace Act of 1990, the qualified Contractor will be required to execute a Drug Free Workplace Certificate concurrently with execution of the Labor and Material Contract. The qualified Contractor will be required to implement and take the affirmative measures outlined in the Drug Free Workplace Certificate and in California Government Code §§8350 et seq. Failure of the qualified Contractor to comply with the measures outlined in the Drug Free Workplace Certificate and in California Government Code §§8350 et seq. may result in penalties, including without limitation, the termination of the Contract, the suspension of any payment of the Contract Price otherwise due under the Contract Documents and/or debarment of the qualified Contractor.
14. **Workers' Compensation Insurance.** Pursuant to California Labor Code §3700, the qualified Contractor shall secure Workers' Compensation Insurance for its employees engaged in the Work of the Contract. The qualified Contractor shall sign and deliver to the District the form of Workers Compensation Insurance included with the Contract Documents.
15. **Public Works Contractor Registration Certificate.** Pursuant to California Senate Bill 854, the qualified Contractor shall be registered with the California's Department of Industrial Relations (DIR) and its subcontractors who intend to bid or perform work on any public works project, as defined under Labor Code Section 1720. The qualified Contractor shall sign and deliver to the District the form of Public Works Contractor Registration Certification included with the Contract Documents.

PRE-QUALIFICATION APPLICATION

1. Bidder's Organization

1.1 Form of entity of Bidder, i.e., corporation, partnership, etc. _____

1.1.1 If a corporation, state the following:

State of incorporation: _____

Date of incorporation: _____

President/Chief Executive Officer: _____

Secretary: _____

Treasurer/Chief Financial Officer: _____

1.1.2 If a partnership, state the following:

Type of partnership, i.e., general partnership, limited partnership: _____

Names of all general partners, if any of the general partners are not natural persons, provide the information for each such general partner requested by Paragraphs 1.1.1, 1.1.2 and 1.1.4 as appropriate: _____

1.1.3 If a proprietorship, state the names of all proprietors: _____

1.1.4 If a joint venture, state the following

Date of organization: _____

Names of all joint venture members. For each member of the joint venture, provide the information requested by Paragraphs 1.1.1, 1.1.2 and 1.1.3 for each joint venture member, as applicable: _____

1.2 Number of years your organization has been in business as a contractor: _____

1.3 Number of years your organization has conducted business under its present name: _____

1.4 If your organization has conducted business under a name or name style different than your organization's present name in the past 10 years, identify all prior name(s) or name

style(s):

1.5 Your organization's Federal Tax Identification Number: _____

1.6 Your Public Works Contractor's Registration Number: _____

2. Licensing

2.1 California Contractors License: Number: _____

Expiration Date: _____

Responsible Managing Employee/Officer: _____

License Classification(s): _____

2.2 Has a claim or other demand ever been made against your organization's California Contractors License Bond? _____ Yes _____ No

If yes, on a separate attachment, state the following: (i) the name, address and telephone number of each person or entity making claim or demand; (ii) the date of each claim or demand; (iii) the circumstances giving rise to each such claim or demand; and (iv) the disposition of each such claim or demand.

2.3 Has a complaint ever been filed against your organization's California Contractors License with the California Contractors State License Board? _____ Yes _____ No

If yes, on a separate attachment, state the following for each complaint: (i) the name, address and telephone number of each person or entity making the complaint; (ii) the date of each complaint; (iii) the circumstances giving rise to each such complaint; and (iv) the disposition of each such complaint, including without limitation, any disciplinary or other action imposed or taken by the California Contractors State License Board as a result of any such complaint.

3. Experience

3.1 Categories of work (other than management/supervision) your organization typically performs with your own forces _____

3.2 On a separate attachment, list a minimum of three (3) successful projects that are similar to the project to be bid and that were completed by your organization in the past five (5) years and for each project identified, state: (i) a general description of the work performed by your organization on the project; (ii) the dollar value of the work performed or to be performed by your organization; (iii) the project owner's name, name of the project owner's representative and the address and telephone number of the owner and the project owner's representative; and (iv) the project architect's name, address, telephone number and contact person.

3.3 On a separate attachment, list a minimum of two (2) successful educational facility construction projects similar to the project to be bid of your organization, for each, state: (i) a general description of the work performed by your organization on the project; (ii) the

dollar value of the work performed or to be performed by your organization; (iii) the project owner's name, name of the project owner's representative and the address and telephone number of the project owner and the project owner's representative; (iv) the project architect's name, address, telephone number and contact person; (v) percent presently complete; and (vi) the current scheduled completion date.

4. Performance History

- 4.1 Claims and lawsuits (if you answer yes to any of the following, you must attach details).
- 4.1.1 Have any lawsuits or other administrative, legal, arbitration or other proceedings, ever been brought or commenced against your organization or any of its principals, officers or equity owners in connection with any construction contract or construction project? _____ Yes _____ No
If so, describe the circumstances, the amount demanded or other relief demand and the disposition of each such lawsuit or other proceeding.
- 4.1.2 Has your organization ever filed a lawsuit or commenced other administrative, legal or other proceedings in connection with any construction contract or construction project? _____ Yes _____ No
If so, describe the circumstances, the amount demanded or other relief demand and the disposition of each such lawsuit or other proceeding.
- 4.1.3 Are there any judgments, orders, decrees or arbitration awards pending, outstanding against your organization or any of the officers, directors, employees or principals of your organization? _____ Yes _____ No
If so, describe each such judgment, order, decree or arbitration award and the present status of the satisfaction or discharge thereof.
- 4.2 Has your organization ever refused to sign a construction contract awarded to it?
_____ Yes _____ No
If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of your refusal to sign such contract.
- 4.3 Has your organization ever failed to complete a construction contract?
_____ Yes _____ No
If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of your failure to complete such contract.
- 4.4 Has your organization ever been declared in default of a construction contract?
_____ Yes _____ No
If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of each such declaration of default.
- 4.5 Has any construction contract to which your organization is a party been terminated for the convenience of the project owner? _____ Yes _____ No

If so, identify the project and project owner along with a description of the circumstances under which the convenience termination occurred.

- 4.6 Has a claim or other demand ever been asserted against any Bid Bond, Performance Bond, or Payment Bond posted by your organization in connection with any construction contract or your submittal of a bid proposal for a construction contract?

_____ Yes _____ No

If so, on a separate attachment, state the following: (i) the name, address, telephone number and contact person for each claimant; (ii) the date upon which each such demand or claim was made; and (iii) the disposition of each such demand or claim.

- 4.7 Has your organization or any predecessor to your organization been charged with a violation of the California False Claims Act or similar federal statute within the past ten (10) years?

_____ Yes _____ No

If yes, on a separate attachment, provide the following: (i) a detailed description of the circumstances upon which charges were based; (ii) the public agency involved, including name, address, telephone and email address of contact person(s) at such public agency; and (iii) disposition of such charges.

- 4.8 Has any individual or entity who owns ten percent (10%) or more of the equity interest of your organization been an equity owner of ten percent (10%) or more of the equity interest of any other entity or organization, within the past ten (10) years, which has been charged with a violation of the California False Claims Act or similar federal statute within the past ten (10) years?

_____ Yes _____ No

If yes, on a separate attachment, provide the following: (i) the name(s) of each such other entity or organization; (ii) a detailed description of the circumstances upon which charges were based; (iii) the public agency involved, including name, address, telephone and email address of contact person(s) at such public agency; and (iv) disposition of such charges.

- 4.9 Has any individual or entity who owns ten percent (10%) or more of the equity interest of your organization been charged with a violation of the California False Claims Act or similar federal statute within the past ten (10) years?

_____ Yes _____ No

If yes, on a separate attachment, provide the following: (i) the name of such individual(s) or entity(ies); (ii) a detailed description of the circumstances upon which charges were based; (iii) the public agency involved, including name, address, telephone and email address of contact person(s) at such public agency; and (iv) disposition of such charges.

5. **References** (Include name, contact person, telephone/fax number and address for each reference provided):

- 5.1 Trade References (three (3) minimum)

5.2 Bank References

5.3 Public Works Inspectors of Record (K-12 or community college project)

5.4 Owner references (three (3) minimum, preferably California K-12 school districts and/or California community college districts)

6. Accuracy and Authority

The undersigned is duly authorized to execute this Statement of Bidders Qualifications under penalty of perjury on behalf of the Bidder. The undersigned warrants and represents that he/she has personal knowledge of each of the responses to this Statement of Bidder's Qualifications and/or that he/she has conducted all necessary and appropriate inquiries to determine the truth, completeness and accuracy of responses to this Statement of Bidder's Qualifications.

The undersigned declares and certifies that the responses to this Statement of Bidder's Qualifications are complete and accurate; there are no omissions of material fact or information that render any response to be false or misleading and there are no misstatements of fact in any of the responses.

Executed this ___ day of _____ 20__ at _____
(City and State)

I declare under penalty of perjury under California law that the foregoing is true and correct.

(Signature)

(Typed or written name)

NON-COLLUSION AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF _____

I, _____, being first duly sworn, deposes and says that I am
(Typed or Printed Name)
the _____ of _____, the party
(Title) (Bidder Name)

Submitting the foregoing Bid Proposal ("the Bidder"). In connection with the foregoing Bid Proposal, the undersigned declares, states and certifies that:

1. The Bid Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation.
2. The Bid Proposal is genuine and not collusive or sham.
3. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any other bidder or anyone else to put in sham bid, or to refrain from bidding.
4. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price, or that of any other bidder, or to fix any overhead, profit or cost element of the bid price or that of any other bidder, or to secure any advantage against the public body awarding the contract or of anyone interested in the proposed contract.
5. All statements contained in the Bid Proposal and related documents are true.
6. The bidder has not, directly or indirectly, submitted the bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any person, corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Executed this ____ day of _____, 20__ at _____
(City, County and State)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature (Address)

Name Printed or Typed (City, County and State)

(_____) _____
Phone Number