

# DISTRICT'S PREQUALIFICATION QUESTIONNAIRE

The San Bernardino City Unified School District ("District") has determined that contractors on future projects ("Contractor(s)" or "Firm(s)") must be prequalified prior to submitting a bid or proposal on a project. This form must be completed by:

- Contractors that intend to bid or propose to perform work under an A, B, C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 license(s) and that intend to bid or submit a proposal as a **general contractor** (prime contractor) directly to the District.
- Contractors that intend to bid or propose to perform work under a C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 license (s) and that intend to bid or submit a proposal as a **first-tier subcontractor** to a general contractor (prime contractor) that is bidding or submitting a proposal directly to the District.

**Form Submission.**

- Contractors must complete this District form; no other prequalification documents submitted by a Contractor will meet the District's requirements.
- **FOR ALL RESPONSES, CONTRACTORS CAN USE SEPARATE SIGNED SHEET(S) AS NECESSARY IF THE FORM DOES NOT PROVIDE SUFFICIENT SPACE FOR A COMPLETE RESPONSE.**
- All Contractors shall submit completed questionnaires and financial statements as follows:

<b>Location</b>
San Bernardino City Unified School District Facilities Planning & Development 956 W. 9 <sup>th</sup> Street San Bernardino, CA 92411 Attn: Prequalification
<b><u>Electronic Submissions</u></b>
Alternatively, Contractors may submit their Prequalification Questionnaire electronically via the District's online portal at <a href="mailto:sean.macdowell@sbcusd.k12.ca.us">sean.macdowell@sbcusd.k12.ca.us</a> . Each Contractor must ensure it receives an electronic receipt from the Online Vendor Portal to ensure that its Prequalification Questionnaire was received by the District.

**Contractor List.** The District will make available a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors to all prequalified Contractors at **least five (5) Business Days** prior to the date for submission of any response to a District bid or other solicitation covered by this prequalification.

**References.** The District reserves the right to contact any representative at Contractor's previous projects to gather information about the Contractor and/or to base the District's prequalification determination on a scoring of Contractor's references' responses to questions.

**Updates.** Contractors who are prequalified must update their prequalification questionnaire if or when Contractor's status or information changes. The District reserves the right to adjust, suspend, or rescind the prequalification rating of any Contractor based on subsequently learned information.

**Non-Responsiveness.** A Contractor's prequalification questionnaire shall be deemed nonresponsive if, without limitation, the Contractor's prequalification questionnaire is not returned on time, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Contractor, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported).

**Rejection/Waiver/Request.** The District reserves the right, in its sole discretion, to reject any or all prequalification questionnaires, to waive irregularities in any prequalification questionnaire or to request further information or documentation from any Contractor.

**Public Records.** Although the names of Contractors seeking prequalification may be public information, pursuant to, without limitation, Public Contract Code sections 20111.5(a) and 20111.6 (b), each Contractor’s questionnaire and financial statements “shall not be public records and shall not be open to public inspection.” However, the contents of Contractor’s prequalification questionnaires and financial statements may be disclosed to third parties for purposes of clarification or investigation of material allegations or in any appeal process.

**Appeal.** A Contractor may appeal the District’s decision. If a Contractor decides to appeal the District’s prequalification decision, it must follow the following procedure:

1. Contractor shall submit, in writing, within five (5) Business Days from District’s determination, a request for a written response from the District to explain the District’s determination.
2. Within five (5) Business Days from receipt of the District’s written response to the Contractor’s request, Contractor may submit, in writing, a request for a meeting with the District’s staff. Contractor may submit with the request any and all information that it believes supports a finding that District’s determination should be changed.
3. District staff shall hold a meeting with the Contractor. If the Contractor continues to contest the District’s determination after that meeting with District staff, then the Contractor may address the Board at the next public noticed meeting of the District’s governing board, pursuant to the governing board’s procedures for public comment. **TO PRESERVE THE CONTRACTOR’S RIGHT TO CHALLENGE THE DISTRICT’S DETERMINATION, THE CONTRACTOR SHALL ADDRESS THE BOARD AT THE NEXT PUBLIC NOTICED MEETING OF THE BOARD AFTER CONTRACTOR’S MEETING WITH DISTRICT STAFF.**
4. **FAILURE OF A CONTRACTOR TO TIMELY FOLLOW ALL APPEAL STEPS SHALL BE A WAIVER OF THE CONTRACTOR’S RIGHT TO APPEAL THE DISTRICT’S DECISION.**

## CONTRACTOR (OR "FIRM") INFORMATION

Contractor's company name and address:

Phone: Mobile phone:

Preferred Contact Name: E-mail:

Years in business under current company name: Years at the above address:

Types of work performed with own forces:

Gross revenue of the Firm for the past three (3) years:

\$	\$	\$
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**Required Attachment:** Submit an audited or reviewed financial statement for the past two (2) full fiscal year or, as authorized by Public Contract Code section 20101 (e), submit proof of status as a qualified small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)". 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.

Name of license holder exactly as on file with the California State License Board:

License number(s), classification(s) and expiration date(s):

Number of years license holder has held the listed license(s):

Number of years Contractor has done business in California under contractor's license law:

Number of years Contractor has done business in California under **current** Contractor's license:

Department of Industrial Relations (DIR) registration number (Per Labor Code section 1725.5):

Has your Firm changed name(s) or license number(s) in the past five (5) years? ( Y / N ). If "yes", explain on a separate signed sheet, including the reason for the change.

Has there been any change in ownership of the Firm at any time in the past five (5) years? **NOTE:** A corporation whose shares are publicly traded is not required to answer this question. ( Y / N ). If "yes", explain on a separate signed sheet, including the reason for the change.

Indicate the form of Contractor's business entity (e.g., partnership, S Corp, LLP, LLC, etc.):

Is the Firm a subsidiary, parent, holding company, or affiliate of another firm? **NOTE:** This applies to firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your Firm holds a similar position in another firm. ( Y / N ). If "yes", explain on a separate signed sheet, the name of the other firm(s) and the percent ownership.

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Contractor's type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. **Use separate signed sheet(s) as necessary.**

	Name	Position	Years with Co.	% Ownership
1.				
2.				

Identify every construction firm, contractor and/or construction management firm that the Contractor or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, etc.) at any time during the **past five (5) years** ("Associated Firm"). **NOTE:** This applies if ownership is ten percent (10%) or more of the business, or 10% or more of its stock if the business is a corporation. **Use separate signed sheet(s) as necessary.**

	Name of Person at Associated Firm	Name of Associated Firm	CSLB No. of Associated Firm	Dates of Participation with Associated Firm
	1.			
	2.			

### CONTRACTOR'S BONDING COMPANY (SURETY) INFORMATION

Name(s) & address(es) of bonding company(ies) your Firm has utilized over the past five (5) years (not broker or agency). Indicate the number of years your Firm has been with each bonding company/surety.

**Use separate signed sheet(s) as necessary.**

1.
2.
Name and address of broker/agent:
Telephone number and email of broker/agent:
Contractor's total current bonding capacity: \$

### CONTRACTOR'S INSURANCE INFORMATION

Name(s) & address(es) of insurance company(ies) your Firm has utilized over the past five (5) years (not broker or agency). Indicate the number of years your Firm has been with each bonding company/surety.

**Use separate signed sheet(s) as necessary.**

1.		
2.		
"Best" rating(s) for those insurance company(ies):		
Name and address of broker/agent:		
Telephone number and email of broker/agent:		
Contractor's current insurance limits for the following types of coverage:		
Commercial General Liability	Each occurrence	\$
	General aggregate	\$
Product Liability & Completed Operations	Each occurrence	\$
	General aggregate	\$
Automobile Liability – Any Auto	Combined Single Limit (per occurrence)	\$
Employers' Liability		\$
Builder's Risk (Course of Construction)		
Workers' Compensation Experience Modification Rate for the past five (5) premium years:		
(1) Current year:	(2)	(3)
	(4)	(5)

# QUESTIONS

## Pass/Fail Questions (Essential Criteria)

1a.	<p><b>GENERAL CONTRACTORS ONLY</b></p> <p>Has your Firm contracted for and completed construction of a minimum of:</p> <ul style="list-style-type: none"> <li>• <b>Four (4)</b> California K-12 public school district construction projects,</li> <li>• Each with a value of at least <b>\$1,000,000</b>, and</li> <li>• All within the past <b>five (5) years?</b> (Please circle one).</li> </ul> <p><b>NOTE:</b> You <b>must</b> list these projects in the “Contractor Project References” Section.</p>	<p><u>YES</u> <u>NO</u></p> <p>NO = cannot prequalify</p>
1b.	<p><b>FIRST-TIER SUBCONTRACTORS ONLY:</b></p> <p>Has your Firm contracted for and completed construction of a minimum of:</p> <ul style="list-style-type: none"> <li>• <b>Four (4)</b> California K-12 public school district construction projects,</li> <li>• Each with a value of at least <b>\$100,000</b>, and</li> <li>• All within the past <b>five (5) years?</b> (Please circle one).</li> </ul> <p><b>NOTE:</b> You <b>must</b> list these projects in the “Contractor Project References” Section.</p>	<p><u>YES</u> <u>NO</u></p> <p>NO = cannot prequalify</p>
2.	<p>Does your Firm currently hold all contractors’ license(s) necessary to perform the work and have those license(s) been consistently active for at least <b>five (5) years</b> without revocation or suspension? (Please circle one).</p>	<p><u>YES</u> <u>NO</u></p> <p>NO = cannot prequalify</p>

3.	<p>Has your Firm or an Associated Firm been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past <b>five (5) years?</b> (Please circle one).</p>	<p><u>YES</u> <u>NO</u></p> <p>YES = cannot prequalify</p>
4.	<p>Has your Firm or an Associated Firm defaulted on a contract or been terminated for cause by any public agency on any project within California within the past <b>five (5) years</b> and, if so and if challenged, has that default or termination been upheld by a court or an arbitrator? (Please circle one).</p>	<p><u>YES</u> <u>NO</u></p> <p>YES = cannot prequalify</p>
5.	<p>Has your Firm or an Associated Firm or any of their owners or officers been convicted of a crime under federal, state, or local law involving:</p> <p>(1) Bidding for, awarding of, or performance of a contract with a public entity;</p> <p>(2) Making a false claim(s) to any public entity; or</p> <p>(3) Fraud, theft, or other act of dishonesty to any contracting party;</p> <p>within the past <b>TEN (10) YEARS?</b> (Please circle one).</p>	<p><u>YES</u> <u>NO</u></p> <p>YES = cannot prequalify</p>
6.	<p>Has a performance bond surety for your Firm or a performance bond surety for an Associated Firm had to:</p> <p>(1) Takeover or complete a project,</p> <p>(2) Supervise the work of a project, or</p> <p>(3) Pay amounts to third parties to satisfy claims against your performance bond,</p> <p>related to construction activities of your Firm or an Associated Firm within the past <b>five (5) years?</b> (Please circle one).</p>	<p><u>YES</u> <u>NO</u></p> <p>YES = cannot prequalify</p>

**If you answered:**



“NO” to questions **1a, 1b or 2**

or

“YES” to questions **4-6**, then **STOP**. You are **NOT** eligible for prequalification at this time.

# QUESTIONS

## Scored Questions

1.	<p>Has your Firm paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount of the damages(s), the amount of the contract price, and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
2.	<p>Has your Firm paid a premium of more than one percent (1%) for a performance and payment bond on any project(s) within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the premium amount(s), and date(s).</p>	<u>YES</u> <u>NO</u>
3.	<p>Has any insurer had to pay amounts to third parties that were in any way related to construction activities of your Firm within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount(s) paid, and date(s).</p>	<u>YES</u> <u>NO</u>
4.	<p>Has your Firm's Workers' Compensation Experience Modification Rate exceeded 1.0 at any time for the past <b>five (5) premium years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the EMR(s) and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
5.	<p>Has there been a period when your Firm had employees but was without workers' compensation insurance or state-approved self-insurance within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the reason(s) for not having this insurance and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
6.	<p>Has your Firm declared bankruptcy or been placed in receivership within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the type of bankruptcy, the Firm's current recovery plan, and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
7.	<p>Has your Firm been denied bond coverage by a surety company, or has there been a period of time when your Firm had no surety bond in place during a public construction project when one was required within the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, provide details on a separate signed sheet indicating the date(s) when your Firm was denied coverage and the name of the company(ies) that denied coverage; and the period(s) during which you had no surety bond in place.</p>	<u>YES</u> <u>NO</u>
8.	<p>Has a project owner, general contractor, architect, or construction manager filed claim(s) in an amount exceeding \$50,000 against your Firm, or has your Firm filed claim(s) in an amount exceeding \$50,000 against a project owner, general contractor, architect, or construction manager in the past <b>five (5) years</b>? (Please circle one).</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s), amount(s) and the date(s) of claim(s).</p>	<u>YES</u> <u>NO</u>

9.	<p>Has your Firm or an Associated Firm been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code (non-prevailing wage) violations, within the past <b>five (5) years</b>? (Please circle one).</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<p><u>YES</u> <u>NO</u></p>
10.	<p>Has your Firm been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past <b>five (5) years</b>? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.</p>	<p><u>YES</u> <u>NO</u></p>
11.	<p>Has CAL OSHA and/or federal Occupational Safety and Health Administration cited and assessed penalties against your Firm, including any "serious," "willful" or "repeat" violations of safety or health regulations within the past <b>five (5) years</b>? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.</p>	<p><u>YES</u> <u>NO</u></p>
12.	<p>Has your Firm been required to pay either back wages or penalties for its failure to comply with California's prevailing wage laws, with California's apprenticeship laws or regulations, or with federal Davis-Bacon prevailing wage laws within the past <b>five (5) years</b>? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of employees who were initially underpaid and the amount of back wages and penalties that your Firm was required to pay.</p>	<p><u>YES</u> <u>NO</u></p>
13.	<p><b>[USE IF PREQUALIFYING FOR LEASE-LEASEBACK]</b> Has your Firm ever had payments withheld by an owner, or been assessed penalties by the Department of Industrial Relations (DIR), for the Firm's failure to comply with requirements to maintain a skilled and trained workforce on a project as defined and required by Public Contract Code section 2600 et seq. within the past <b>five (5) years</b>? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of months that the Firm failed to maintain a skilled and trained workforce, and the amount(s) withheld by the owner and penalties assessed by the DIR.</p>	<p><u>YES</u> <u>NO</u></p>
14.	<p>Does your Firm require <b>weekly</b>, documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p>	<p><u>YES</u> <u>NO</u></p>
<p>15. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your Firm for use on any public work project for which you are awarded a contract by the District. Use separate signed sheet(s) as necessary.</p>		

## CONTRACTOR PROJECT REFERENCES

List **ALL** projects in which your Firm has participated as a contractor or first-tier subcontractor during the past **five (5) years** with a Firm contract value of more than:

- **\$1,000,000** (if prequalifying as a **prime contractor**) or
- **\$100,000** (if prequalifying as a **first tier subcontractor**).

You may limit your response to the thirty (30) most-recently completed projects, but you **must** include at least the **four (4)** most recent California K-12 public school projects with a contract value of more than

- **\$1,000,000** (if prequalifying as a **prime contractor**) or
- **\$100,000** (if prequalifying as a **first tier subcontractor only**) performed by your Firm.

Include all information indicated below on separate signed sheets as necessary, and explain or clarify any response as necessary

Project Name/Identification:

Project address/location:

Project owner, contact person, and telephone:

Project architect name and telephone number:

If contractor was a subcontractor on the project, name of general contractor and telephone number:

Scope of Work:

Original completion date:

Date completed:

Initial contract value (as of time of bid award):

Final contract value:

Did the project include constructing or modernizing an earthquake resistant building?

## CERTIFICATION

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

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

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

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

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

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