

NAPA COUNTY



A Tradition of Stewardship
A Commitment to Service

CONTRACTOR PREQUALIFICATION PACKET FOR INDIVIDUAL PUBLIC WORKS PROJECT

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1) NOTICE TO BIDDERS

REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING WITH FORTHCOMING PUBLIC WORK BID

Notice is hereby given that Napa County (“COUNTY”) has determined that all bidders [*or the following bidder classifications (i.e. General/Prime Contractors, Electrical, Earthwork and Paving, Mechanical (process piping), Mechanical (plumbing), etc.*] on [*Name of specific project*] (“Project”) to be undertaken by the COUNTY must be pre-qualified prior to submitting a bid on the project. No bid will be accepted from a Contractor that has failed to comply with these requirements. See the end of this NOTICE TO BIDDERS for clarification on subcontractor definitions and which have to be prequalified; and the categories of work the General/Prime Contractor must be specifically prequalified in order to self-perform that work.

Contractors shall possess a Class [*class to be defined based on the project*] license to bid as the general contractor on the Project. It is mandatory that all Bidders who intend to submit a bid for Project fully complete the Application for Prequalification, provide all materials requested therein, and be approved by COUNTY to be on the final prequalified bidders list. If two or more business entities submit a bid as part of 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. The last date to submit a fully completed questionnaire is mm/dd/yy. [*35 days prior to the bid closing date*]. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid advertisement for this project.

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. COUNTY reserves the right to check other sources available. COUNTY’s decision will be based on objective evaluation criteria as described in the prequalification package.

COUNTY reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist COUNTY in determining bidder responsibility prior to bid and to aid COUNTY in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude COUNTY from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

Please complete all parts of the Application for Prequalification and return one (1) original and two (2) copies with all attachments as required to the COUNTY. The pre-qualification packages should

be submitted under seal and marked "CONFIDENTIAL" to County of Napa, Department of Public Works, 1195 Third Street, Suite 201, Napa, CA 94559.

All packets will be date and time stamped when received.

The pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification 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 COUNTY and provide updated accurate information in writing, under penalty of perjury.

COUNTY reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

Contractors may submit pre-qualification packages during regular working hours on any day COUNTY's offices are open.

COUNTY shall have the right to refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by designated deadline. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Appeals Process

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. To initiate an appeal, Contractor must put in writing a notice to COUNTY to appeal the decision with respect to its prequalification rating. The request must be made no later than the third business day following COUNTY's notification to the Contractor of its prequalification determination. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of COUNTY, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten business days after COUNTY's receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on

the project. The hearing shall be an informal process conducted by a panel that the Board of Supervisors has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for COUNTY's pre-qualification determination in writing in conformance with Public Contract Code Section 20101(d)(1). The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within two business days after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of COUNTY that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

Note: A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by COUNTY, or on all contracts to be let by COUNTY until the contractor meets COUNTY's requirements. In addition, a contractor may be found not pre-qualified for either:

- (1) Omission of requested information; or
- (2) Falsification of information; or
- (3) Failure to provide updated materials or corrected information.

* * * * *

Subcontractor Prequalification

Table A, below, identifies major work categories that are anticipated for the Project. Any Work Category that indicates "Yes" under Prequalification Required, AND that is of a value that equates to an amount in excess of one-half of one percent of the total bid shall require the following:

- Any entity wishing to submit a bid as a subcontractor for a Work Category meeting the criteria described above must be prequalified for that Work Category.
- Any General/Prime Contractor wishing to self-perform in a Work Category meeting the criteria described above must be prequalified for that Work Category.

TABLE A

<i>Work Category</i>	<i>License Required</i>	<i>Type of Work Covered</i>	<i>Prequalification Required?</i>	
			<i>Yes</i>	<i>No</i>
Boilers	A or C-4	A boiler, hot-water heating contractor installs, services and repairs hot-water heating systems, including hot-water heating low pressure boilers, and piping, fittings, valves, gauges, pumps, radiators, convectors, flues, heat insulation and all other equipment, associated with these systems.		
Electrical	A or C-10	Placing, installing, erecting or connecting any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform, or utilize electrical energy in any form or for any purpose.		
Elevator	A or C-11	Fabricates, erects, installs and repairs elevators,		

		including sheave beams, motors, sheaves, cable and wire rope, guides, cab, counterweights, doors automatic and manual controls, signal systems, and all other devices and equipment associated with the safe and efficient installation and operation of electrical, hydraulic and manually operated elevators.		
Earthwork and Paving	A or C-12	Digs, moves, and places material forming the surface of the earth, other than water, in such a manner that a cut, fill, excavation, grade, trench, backfill, can be executed. This classification includes the mixing, fabricating and placing of paving and any other surfacing materials.		
Masonry	A or C-29	Installs concrete unit products. This classification includes the fabrication and installation of masonry component units for structural load bearing and non-load bearing walls for structures and fences installed with or without mortar; ceramic veneer (not tile) and thin brick that resembles full brick for facing; paving; and clear waterproofing, cleaning and caulking incidental to masonry construction.		
Mechanical (Process Piping)	A	Process Piping and all mechanical work shown on the M-sheets of the project plans. Excludes plumbing, HVAC, and underground repair.		
Mechanical (Underground Utilities)	A	All underground piping outside of buildings and structures.		
Mechanical (HVAC)	A or C-20	Installing warm-air heating systems and water heat pumps; ventilating systems complete with blowers and plenum chambers; air-conditioning systems complete with air-conditioning unit; and the ducts, registers, flues, humidity and thermostatic controls and air filters in connection with any of these systems.		
Mechanical (Plumbing)	A or C-36	All piping and equipment required for the installation of a supply of safe water; ample in volume and of suitable temperature for the purpose intended and the proper disposal of fluid waste from the premises in all structures and fixed works.		
Mechanical (Fire Protection)	A or C-16	Fabricating and installing all types of fire protection systems; including all the equipment associated with these systems, excluding electrical alarm systems.		
Instrumentation	A or C-10	Engineering and design of control panels and components.		
Structural	A or C-8	All concrete work with reinforcing steel shown on		

Concrete		the S-sheets of the project plans.		
Structural Steel	A or C-51	Fabricates and erects structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, including the riveting, welding, rigging and metal roofing systems necessary to perform this work.		
Reinforcing Steel	A or C-50	Fabricating, placing and tying steel mesh or steel reinforcing bars (rods), of any profile, perimeter, or cross-section that are or may be used to reinforce concrete structures.		

General/Prime contractors may self-perform any of the subcontractor Work Categories listed above, subject to the requirements of the California Department of Consumer Affairs Contractors State License Board. In addition, the Contractor must have self-performed the category in question on at least three of the reference projects provided by the Contractor.

2) Schedule

Item No.	Event	Dates
1	Solicitation for Prequalification of Contractors	
2	Deadline for Contractors seeking Prequalification to submit questions and requests for clarification regarding the Prequalification process and application packet	
3	COUNTY will issue any addenda necessary with all relevant answers and questions to timely submitted questions	
4	Completed Prequalification application packets with all required attachments due to the COUNTY	
5	List of Draft Prequalified Contractors / Subcontractors notified	
6	Deadline for Appeals of County decisions regarding Prequalification	
7	Public Works finalizes list of Prequalified Contractors	

3) Application Instructions and General Information

A) General Information

COUNTY is requiring general/prime contractors and subcontractors (see the Notice to Bidders for those Work Categories requiring prequalification) interested in bidding on the Project to prequalify. Prequalification rating will be based on the Contractor's responses to the questionnaire, experience, reputation, and solvency. In addition to a written application and the required attachments, COUNTY will conduct interviews with prior references of the Contractor regarding recent project performance (based on project information provided in Part IV), as well as rate comparable project experience. Both the written and interview portions of the application will contribute to the Contractor's final status rating.

Contractors for this project will be prequalified as either a general/prime contractor, or as a subcontractor, or as self-performing general contractor for the appropriate Work Category. Refer to the Notice to Bidders and the first page of the Questionnaire for clarifications as to which Work Categories contractors must be prequalified to perform.

- Prequalification Status will be valid through the bid opening date.
- General/Prime Contractors who want to be eligible to bid as a Subcontractor or who want to self-perform subcontractor Work Categories identified in the Notice to Bidders must have a license that allows them to perform the work.

General/Prime Contractors who want to be eligible to bid as a Subcontractor or who want to self-perform subcontractor work categories identified in the Notice to Bidders need to submit only one prequalification packet, but will need to provide the necessary related comparable project experience for all subcontractor Work Categories for which it wishes to be prequalified.

A firm (even those firms that prequalify as a general/prime contractor) may bid as a subcontractor only if that firm is on the prequalified subcontractor list. Those firms wishing to prequalify as both a general/prime contractor and a subcontractor or for multiple subcontractor categories need to submit only one prequalification packet, but must identify all subcontractor categories it wishes to be prequalified for on the checklist at the beginning of the Questionnaire and include pertinent experience for each category in the reference projects to be included as part of the packet.

A general requirement for participating in the prequalification process is the possession of a valid contractor's license in the category for which the Contractor is seeking prequalification. General requirements for participating in the pre qualification process are (1) a valid business license and (2) a valid Contractor's license in the category for which the Contractor is seeking prequalification. COUNTY reserves the right to check any and all sources to verify information contained in the submitted application. Submission of an application for prequalification constitutes the Contractor's authorization for COUNTY and its representatives to contact all sources and references for the purposes of verification of the information contained in the application, with the understanding that the information will be used in the determination of the Contractor's prequalification status rating. Omission of relevant information and or providing false information can result in immediate

disqualification. COUNTY reserves the right to determine whether a disqualified Contractor may prequalify for a future project.

The application and its contents, including financial statements; are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties when necessary for verification and/or investigation or in an appeal hearing. State law requires that the names of Contractors applying for prequalification status shall be public record subject to disclosure.

Each questionnaire must be signed under penalty of perjury by a representative of the firm who has the legal authority to sign on behalf of the Contractor. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify COUNTY and provide updated accurate information in writing. COUNTY reserves the right to reject any and all prequalification applications due to any irregularities, whether or not substantiated, in the information contained in the application. COUNTY also reserves the right to waive any irregularities in any prequalification application.

B) Data Required

All portions of the Application for Prequalification, Parts I through V, must be completed. Additional information should be attached where space provided does not suffice. Failure to include the information called for may result in disqualification. It is essential that the construction experience of the Contractor be demonstrated, as such experience is considered in establishing prequalification status.

C) Current Financial Information

Contractor shall provide a complete financial statement indicating the organization's financial condition. Financial statements provided by the Contractor shall not be older than six months prior to the date the Contractor submits the pre qualification application. The financial statements are to be reviewed or audited and submitted with any accompanying notes and supplemental information. COUNTY reserves the right to reject financial statements in which the financial condition shown is more than six months prior to the date the prequalification application date is due to COUNTY.

D) Accountant's Certificate

The certificate of a Certified Public Accountant (CPA) is required. A form is included in Part V; however, it will be acceptable for the CPA to submit a certificate in their own words, including such qualifications as may be necessary in view of the scope of this assignment. The certificate must be signed and shall indicate the CPA's license number.

E) Questions

Contractors having questions regarding the prequalification process and or the contents of the prequalification packet must submit questions in writing no later than [MM/DD/YY]. Questions received after the posted deadline will not be accepted nor answered. Only written inquiries are

permitted. COUNTY will issue an addendum providing answers/clarifications to all written questions to all parties who have officially obtained requested the Application for Pre-qualification from the Department of Public Works, unless the questions pertain to a specific scope of work.

Questions should be submitted in writing, via e-mail or fax, to:

COUNTY OF NAPA
Attn:
Fax: 707-XXX-XXXX
e-mail: first.last@countyofnapa.org

COUNTY's representative will only respond to written inquiries. This requirement is to ensure that the same information is communicated to all parties and that inconsistent, incomplete, or inaccurate information is not transmitted separately.

F) Appeal Rights

When a timely and completed application results in a rating below that necessary to prequalify, a Contractor may request a hearing to appeal. To initiate an appeal, the Contractor must put in writing a notice to COUNTY of a request for a hearing to appeal the decision with respect to its prequalification rating. The notice of request for a hearing must be received in COUNTY's offices noted below within three business days following the COUNTY's notification to the Contractor of its prequalification determination. All requests for an appeal hearing must be addressed as follows:

COUNTY OF NAPA
Attn:
"CONFIDENTIAL - Bidder Prequalification"
Project: _____
Request for Appeal Hearing
Time Sensitive Material

Without a timely appeal, the Contractor waives all rights to-challenge the decision of COUNTY, whether by administrative process, judicial process, or any other legal process or proceeding. If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded within ten business days of the COUNTY's receipt of the notice to appeal, and no later than [MM/DD/YY].

The hearing shall be an informal process conducted by a panel to which COUNTY has delegated responsibility to hear such appeals (the "Appeals Panel"). For this Project, the Director of Public Works shall appoint three staff members to serve as the "Appeals Panel." At or prior to the hearing, the Contractor will be advised of the basis for COUNTY's prequalification determination. The Contractor may present oral and or documentary evidence to refute the prequalification determination and the reasons therefore. The Contractor may be represented by a person of its choosing. The hearing shall not be conducted according to technical rules relating to evidence and witnesses applicable to judicial proceedings. Any relevant evidence, including hearsay, may be received and considered if it is the sort of evidence on which reasonable persons are accustomed to

rely on in the conduct of serious affairs. The submission of documentary evidence is encouraged. The Appeals Panel shall have the power to limit oral testimony given at the hearing.

Within two business days after the conclusion of the hearing, the Appeals Panel will-render its written decision and deliver a copy of the decision to the Contractor, either personally, by registered mail, certified mail, or, electronically (if requested in writing by the Contractor). The determination of the Appeals Panel shall be final.

G) Submitting the Application

Please complete all parts of the Application for Prequalification and return one (1) original and two (2) copies with all attachments as required to COUNTY. The application packet(s) must be submitted under seal and marked "CONFIDENTIAL-Bidder Prequalification Packet". Contractors may submit pre qualification packages in person Monday-Friday (excluding holidays) from 8:00am-5:00 pm. Mailed package(s) must be addressed as follows:

Department of Public Works
1195 Third Street, Suite 201
Napa, CA 94558
CONFIDENTIAL -Bidder Prequalification Packet
Project: _____
Time Sensitive Material

Fully completed Application for Prequalification packets must be delivered to and received by the Department of Public Works by 5:00 pm_____. No fax or e-mail copies will be accepted. Submittals received after the specified time and date will not be considered and will be returned unopened to the sender. **THIS SUBMISSION DEADLINE WILL BE STRICTLY ENFORCED.**

4) Project Overview

TBD.

5) Evaluation Criteria

COUNTY shall utilize a scoring system based upon the Department of Industrial Relations model to evaluate submitted applications. The following summarizes the criteria that will be considered and evaluated.

Qualifications will include:

- Evaluation and verification the Contractor's history and current ability to secure Liability and Workers' Compensation insurance
- Evidence and history of proper licensing
- Ability to secure required bonding
- Financial ability
- History of litigation and claims; or other adverse actions
- Safety record

Experience to be evaluated will include:

- History of firm/entity
- Organization of firm/entity
- Relevant experience of firm/entity
- Firm's experience in successfully completing public works projects of similar size, scope and complexity (see below)
- Evaluation of experience with respect to current trade

Evaluation of Comparable Project Experience

In addition to the above criteria, the Contractor shall provide information for six public works projects it has recently completed (within the last six years or currently in progress). These projects will be evaluated for comparable project experience.

Please refer to Part IV, "Recently Completed Construction Projects" for additional information.

Evaluation of Financial Information

As a general rule, prospective bidders will be prequalified to bid on projects up to a maximum dollar amount based on the lesser of ten times working capital (current assets less current liabilities) or four times net worth (assets less liabilities) subject to adjustment upon consideration of experience and performance factors. Some factors may result in the disqualification of the Contractor. Working capital may be augmented by submission of a Letter of Bank Credit. Particular attention is called to the fact the certificate of the licensed Certified Public Accountant must express an unqualified opinion which does not negate an opinion on the statement as a whole in order to receive a "financial capacity" qualification.

Note: Statements with a "negative quick asset" amount may not be augmented.

Prospective bidders are also required to show an average monthly cash balance for the last twelve months of not less than 10% of the construction cost.

6) Prequalification Application

The Application for Prequalification contains the following parts:

QUESTIONNAIRE

- Work Categories for which Contractor Seeks Prequalification
- Part I – Company Information, Declaration, and Affidavit
- Part II – Essential Requirements for Qualification
- Part III
 - A) Current Organization and Structure of Business
 - B) History of Business and Organizational Performance
 - C) Compliance with Civil and Criminal Laws, Financial Statements, Surety and Bonding Requirements, and Insurance Requirements

EXPERIENCE

- Part IV – Recently Completed Construction Projects

ATTACHMENTS

- Part V – List of Required Attachments

Each part must be completed in its entirety to be scored. Required Attachments are further outlined in the section indicated above. An application is complete only if these attachments are included in the submitted packet.

Work Categories for which Contractor Seeks Prequalification

Check as many as applicable. Contractor will only be prequalified for those disciplines in which COUNTY deems you are qualified. See Part IV- "Statement of Experience and Recent Construction Projects Completed".

- **General Contractors who also want to be eligible to bid as a Subcontractor OR who wish to self-perform Work Categories listed below must be prequalified for the Work Category for which they wish to either bid as a subcontractor or self-perform.**
- **Subcontractors and General/Prime Contractors who want to be eligible to bid as a Subcontractor for the Work Categories listed below must prequalify only when the portion of work included in their subcontract equates to an amount in excess of one-half of one percent of the total bid. This applies to any tier subcontractor.**

☐ General

Work Categories:

- ☐ Boilers
- ☐ Electrical
- ☐ Elevator
- ☐ Earthwork and Paving
- ☐ Instrumentation
- ☐ Masonry
- ☐ Mechanical (process Piping)

- ☐ Mechanical (plumbing)
- ☐ Mechanical (underground utilities)
- ☐ Mechanical (HVAC)
- ☐ Mechanical (Fire Protection)
- ☐ Structural Concrete
- ☐ Structural Steel
- ☐ Reinforcing Steel

PART I. COMPANY INFORMATION, DECLARATION AND AFFIDAVIT

Company Information

Firm Name: _____

CheckOne: ☐ Corporation
☐ Partnership
☐ Sole Proprietorship

Contact Person: _____

Title: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____ Fax: _____

If the firm is not a corporation name the
Owner(s) of Company: _____

California Contractor's License Number(s) with Classifications:

License #	Classification	Expiration (MM/DD/YYYY)

DECLARATION

- 1. Acknowledgement and Release.** By signature and date on this page, the Contractor authorizes any financial institution, credit reporting agency and or service, legal firm or any other type of business, agency, or individual named within this document to release to COUNTY and/or its designated representatives, any and all information as that information relates, or could relate, to its ability to evaluate the background, stability and general worthiness of this Contractor to perform construction activities if prequalified and awarded a contract by COUNTY. In addition, COUNTY may request information from references provided.
 - a. A photocopy of this document shall be deemed as valid as an original document.
 - b. This acknowledgement and release shall remain in effect until such time as the Contractor requests, in writing, that COUNTY cease any attempt to evaluate it and its agents as a potential prequalified bidder for construction for the Project.
- 2. Reserved Right.** COUNTY reserves the right, for the sole purpose of evaluating a potential Prequalification candidate (Contractor), to make other inquiries as permitted by law. Furthermore, COUNTY reserves the right to reject any or all prequalification applications.

AFFIDAVIT

I, _____, the undersigned certify and declare that I have read all the answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, the foregoing is correct.

Dated: _____

(Signature)

(Printed name)

(Title)

PART II. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “no.”¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 9, 10, 11, 12 and 13 is “yes.”² If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

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

If yes, provide the following information about your firm’s contractor’s license:

Name of license holder exactly as on file with the California Contractor’s State License Board: _____
Address: _____
Phone: _____
License Classification: _____
License Number: _____
Date Issued: _____ Expiration Date: _____
Officer or Name of signature on license: _____
Duration with Company: _____
If less than two years, list prior company(ies): _____

2. Contractor possesses or has the ability to obtain the minimum insurance policies for this Project as set forth in COUNTY’s Insurance Requirements in the Appendix.
☐ Yes ☐ No

If yes, please provide the following information.

Insurance Company

Broker or Agent

Address

City, State, Zip

¹ 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.

² A contractor disqualified solely because of a “Yes” answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

Phone Number

How long have you been with this insurance company?

If under two years, please list prior insurance companies in the space below.

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 ☐ N/A – Contractor has no employees
4. Contractor has attached its latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.³ ***ONLY GENERAL/PRIME CONTRACTORS ARE REQUIRED TO PROVIDE AN ANSWER TO THIS QUESTION***
☐ Yes ☐ No

NOTES:

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.

5. Contractor has 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 that your current bonding capacity is sufficient for the project for which you seek pre-qualification?⁴ ***ONLY GENERAL/PRIME CONTRACTORS ARE REQUIRED TO PROVIDE AN ANSWER TO THIS QUESTION***
☐ Yes ☐ No

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

6. Has your contractor's license been revoked at any time in the last five (5) years?
☐ Yes ☐ No
7. 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

³ 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 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

⁴ An additional notarized statement from the surety may be requested by COUNTY at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

8. 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:

9. 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 Part III.A 1c or 1d on this form.

☐ Yes ☐ No

10. Has your firm or any of its owners, partners, or officers (for incorporated firms) 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

11. 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

12. 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

13. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

PART III.

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated: _____
- 1b. State of Incorporation: _____
- 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 per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 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 ten per cent or more of the business, or ten per cent 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 per cent 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 ten per cent or more of the business, or ten per cent 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 ten per cent or more of the business, or ten per cent 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 Bid 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

Additionally, each partner of the joint venture must complete the questionnaire independently.

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 per cent 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. Are officers and directors in the Corporation currently registered with the Secretary of State of California?
☐ Yes ☐ No
If “no,” explain on a separate signed page.
6. State your firm’s gross revenues for each of the last three years:

7. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years
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 Part I, Question 13, 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.

Licenses

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:
- _____
- _____
10. 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.
- _____
- _____
11. 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.
12. 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.

Disputes

13. 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, provide the information requested below:
- Total number of projects with liquidated damages assessed and paid, regardless of amount, during the last five (5) years: _____
- List the following information for each occurrence:
- Project Name: _____
- Location: _____
- Liquidated damages assessed and paid: _____
- Project Owner: _____
- Project Owner's Contact Information (name and current phone number: _____
- _____
14. 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

15. In the last five years has your firm been denied an award or denied the opportunity for 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.

* * * * *

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.

16. 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).

17. 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).

* * * * *

18. 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.

19. 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.

Bonding⁵

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

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

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

22. 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:

⁵ Only General/Prime Contractors are required to provide an answer to the questions in this Bonding section, which includes questions 19 to 22.

23. 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

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

24. 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.

25. 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.

26. Has your firm established in writing your company's Safety Policy and Procedures?

☐ Yes ☐ No

If yes, can you make this policy and procedures manual available for review upon award of project?

☐ Yes ☐ No

27. Can your firm provide documentation to prove that at least one jobsite employee will be OSHA 10-hour or 30-hour General Industry Safety and Health certified?

10-hour?

☐ Yes ☐ No

30-hour?

☐ Yes ☐ No

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

29. 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.

30. 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.)

Prevailing Wage and Apprenticeship Compliance Record

31. 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.

32. 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.

33. 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 any public work project for which you are awarded a contract by COUNTY.

34. 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.
- (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).
- (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.

35. 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?

☐ Yes ☐ No

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

36. Does your firm have programs in place to meet the requirements of the Drug-Free Workplace Act of 1990?

☐ Yes ☐ No

PART IV. RECENT CONSTRUCTION PROJECTS COMPLETED

37. 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.⁶ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

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

Construction Manager (name and current phone number):

Description of Project, Year Completed, Scope of Work Performed:

Original Contract Price: _____

Total Value of Construction (including change orders): _____

Change Orders Cost & % of Contract _____

⁶ 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.

Stop Notices Cost & % of Contract _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

PART V. LIST OF REQUIRED ATTACHMENTS

The following required attachments are to be submitted as part of the Prequalification Application. These requirements have been previously specified as part of the application. This section is meant to further define what is required to be contained in the attachments and also to sum up the required documents that must be attached to the application.

Failure to provide all these attachments, unless specifically indicated as optional, will be cause for disqualification status for this project.

*****SUBCONTRACTORS ARE NOTE REQUIRED TO PROVIDE THE FOLLOWING ATTACHMENTS*****

- Attachment 1 – Financial Statement. (See additional instructions on following page.)
 - o Certificate of Accountant
 - o General Statement of Bank Credit
- Attachment 2 – Notarized Statement from Bonding Company.

ATTACHMENT 1 – ORGANIZATION’S FINANCIAL STATEMENT

Financial Statement and Supplemental Information are required to be included as part of the Prequalification Application. Information you must submit includes:

- A. Full set of your most recent audited financial statement (no older than 18 months prior to the date of submission of the Prequalification Packet), accompanied by either an audit or review report by an independent Certified Public Accountant. Compiled or internally prepared financial statements will not be accepted. Statements which are older than six (6) months must be supplemented by internal financial statements, which update the information to no more than six (6) months from the date of submission of the Prequalification Packet. This supplemental information does not need to be audited/reviewed, but must be prepared in accordance with generally accepted accounting principles (GAAP), including all required information disclosures.

In addition to the above requirements, a summary of the Contractor’s financial information using the following “Contractor’s Financial Statement Summary Form” form shall be submitted.”

- B. Certificate of Licensed Accountant. A form is attached for the Contractor’s use; however, it will be acceptable for the accountant to use their own form. The certification must be signed and include the accountant’s license number.
- C. Letter from a financial institution in support of available lines of credit or other facilities, if you wish them to be considered in pre-qualification. Letter must be an original or a certified copy.

ATTACHMENT 2 - NOTARIZED STATEMENT FROM BONDING COMPANY

- A. Attach an original notarized statement from the bonding company your firm proposes to use indicating its commitment to provide a Bid Bond and a Performance and Payment Bond for the full amount of the contract for the Project named in this Prequalification Packet.
- B. Statement must also confirm the firm’s current bonding capacity.

**PREQUALIFICATION OF PROSPECTIVE BIDDERS CERTIFICATE OF LICENSED
ACCOUNTANT**

**(Certification prepared, signed and included in report prepared
by Accountant may be substituted.)**

1. FOR AN AUDIT OF A FINANCIAL STATEMENT, COMPLETE THIS PART.

I/we have examined the financial statement of _____ as
of _____.

Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying financial statement included on pages _____ to _____ inclusive, sets forth fairly the financial condition of _____ as of _____, in conformity with generally accepted accounting principles.

(Print Name of Firm)

(Accountant's Signature)

(Telephone Number)

(License Number / State)

2. FOR A REVIEW ONLY OF A FINANCIAL STATEMENT, COMPLETE THIS PART.

I/we have reviewed the accompanying financial statement of _____ as
of _____.

The information included in the financial statement is the representation of the management of the above firm.

Based on (our) review with the exception of the matter(s) described in the following paragraph(s), (we are) not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

(Print Name of Firm)

(Accountant's Signature)

(Telephone Number)

(License Number / State)

Note this review consists principally of inquiries of management and appropriate analytical procedures applied to this financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we have not expressed such an opinion.

Special note to Accountant:

The above Certificate of Accountant shall not be made by any individual who is in the regular employ of the individual, partnership, or corporation submitting this statement; or by any individual who is a member of the firm.

**PREQUALIFICATION OF PROSPECTIVE BIDDERS LINE OF CREDIT LETTER
(Optional)**

To: County of Napa
1195 Third Street, Suite 201
Napa, California 94559

Attention: Public Works Engineering Services
Subject: Unqualified Line of Credit Letter
Date:

Reference is made to the prequalification of _____ under Section 20101 of the Public Contract Code to perform a contract with the County of Napa ("County"). We certify that the above contractor has been extended an unqualified line of credit not to exceed \$_____, and that such credit will not be withdrawn or reduced without notice to the County.

It is understood that this unqualified Line of Credit Letter is to be used by the County solely for determining the financial resources of the said contractor during the term of his/her prequalification with the County.

Bank No. Code: _____

(Name of Bank)

(Address)

(City)

(Telephone)

BY: _____
(Original Signature Required)

(Please type or print name and title)

PLEASE NOTE: The above form may be completed by your bank to augment your working capital. If they prefer, your bank may issue a Line of Credit Letter on their own letterhead, provided the Line of Credit Letter contains substantially the same provisions, is addressed to COUNTY and bears an original signature.

APPENDIX

- 1) A List of Scoreable Questions and the Scoring Instructions
- 2) Interview Questions
- 3) Sources for Verification of Information Given by Contractors
- 4) COUNTY's Insurance Requirements

1) LIST OF THE SCOREABLE QUESTIONS AND THE SCORING INSTRUCTIONS

Note: Not all questions in the questionnaire are scoreable; some questions simply ask for information about the contractor firm's structure, officers and history. This document includes only those questions that are "scoreable." The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Scores Needed for Prequalification

To prequalify, a contractor would be required to have a passing grade within each of the areas referred to above.

For Part III Section B, "History of the business and organizational performance," the prospective contractor is required to meet a passing score of **75%** (out of a maximum score of **58**).

For Part III Section C, "Compliance with occupational safety and health laws, workers' compensation and other labor legislation" the prospective contractor is required to meet a passing score of **70%** (out of a maximum score of **58**).

For Part IV, "Completion of recent projects and quality of performance," includes a series of interview questions, and may also include questions about recently completed (public or private) construction projects. COUNTY shall interview project managers for the owners of two projects completed by the contractor. The highest possible score is **120** Points for Part IV. A score less than **55** points shall disqualify a contractor from bidding on the Project. A score of between **56** and **72** will result in the COUNTY conducting an interview of another contact, that is, a manager of another completed project. A score of **72** or higher on each of two interviews is sufficient for pre-qualification.

Questions about History of the Business and Organizational Performance

(16 questions)

1. 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 or more = 2 points

4 years = 3 points 5 years = 4 pts.

6 years or more = 5 points

2. Was your firm in bankruptcy 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

“No” = 3 points “Yes” = 0 points

3. 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

No = 5 points Yes = 0 points

4. 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

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages = 5 points.

Two projects with liquidated damages of more than \$50,000 = 3 points

Any other answer: no points

5. 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

No = 5 points Yes = 0 points

6. 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

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.

7. 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 the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

If your firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

8. 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 your firm’s average gross revenues for the last three years was less than \$50 million scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

If your firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

***5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.***

9. 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

***5 points for either “No” or “Yes” indicating 1 such claim.
3 points for “Yes” indicating no more than 2 such claims
Subtract five points for “Yes” if more than 2 such claims***

10. 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

***5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” or if more than 2 such instances.***

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

_____ %

***5 points if the rate is no more than one per cent
3 points if the rate was no higher than 1.10 per cent.
0 points for any other answer.***

12. During the last five years, has your firm ever been denied bond credit 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

**Questions about compliance with safety, workers compensation,
prevailing wage and apprenticeship laws.**

(11 questions)

1. 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 the firm’s average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

2. 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 appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If yes, attach a separate signed page describing each citation.

If the firm’s average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

3. 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 the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

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

3 points for an answer of once each week or more often.

0 points for any other answer

5. 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.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

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

3 points for three-year average of EMR of more than .95 but no more than 1.00

0 points for any other EMR

6. 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

***5 points for either "No" or "Yes" indicating 1 such instance.
0 points for any other answer.***

7. Has there been more than one occasion during the last five years on 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?
☐ Yes ☐ No

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.

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

***5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.***

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

***5 points for either "No" or "Yes" indicating no more than 4 such instances.
3 points for "Yes" indicating either 5 or 6 such instances.
0 points for "Yes" and more than 6 such instances.***

8. During the last five years, has there been more than one occasion on 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 your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

***5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.***

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

***5 points for either "No" or "Yes" indicating no more than 4 such instances.
3 points for "Yes" indicating either 5 or 6 such instances.
0 points for "Yes" and more than 6 such instances.***

9. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by *COUNTY*.
-
-

***5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.***

10. 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.
 - (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).
 - (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.

5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employed by your firm.

11. 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, 1998 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 they occurred.

☐ Yes ☐ No.

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s).

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

*5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.
3 points for “Yes” indicating 3 such instances.
0 points for “Yes” and more than 3 such instances.*

If your firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating no more than 4 such instances.
3 points for “Yes” indicating either 5 or 6 such instances.
0 points for “Yes” and more than 6 such instances.*

12. Does your firm have programs in place to meet the requirements of the Drug-Free Workplace Act of 1990?

☐ Yes ☐ No

*5 points for “Yes”
0 points for “No”*

2) INTERVIEW QUESTIONS

Questions concerning recent construction projects completed:

(one question, plus 11 interview questions)

1. 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.⁷ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

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

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

* * * * *

⁷ 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.

INTERVIEW QUESTIONS

The following questions will be used to interview randomly selected contacts from at least two completed projects for scoring Part IV. COUNTY will conduct the interviews. No action on the contractor's part is necessary. These questions are included on the package given to the contractor for information only.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "Yes").
Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion?
8. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points).
10. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)

11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be “10.”)
13. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

3) SOURCES FOR VERIFICATION OF INFORMATION PROVIDED BY CONTRACTORS

The information provided to COUNTY by Contractors seeking prequalification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. The following information is provided for reference by COUNTY staff and/or consultants as a reference for reviewing the answers provided when deemed appropriate by COUNTY staff.

Information about a Contractor's License(S)

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors' State Licensing Board (CSLB), 9821 Business Park Drive, Sacramento, CA 95827. Telephone number 800-321-2752. The CSLB web site for public information is: www.CSLB.ca.gov.

Information about Workers' Compensation Insurance

Every workers' compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor's Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor's workers' compensation insurance carrier.

Some large companies are legally self-insured for workers' compensation, with the consent and authorization of the Department of Industrial Relations. The names of companies that are legally self-insured are available from the Department's Office of Self-Insurance Plans, Workers' Compensation, 2265 Watt Avenue, Suite 1, Sacramento, CA 95825; (916) 483-3392.

The names of each business's current and recent workers' compensation insurance carriers are available from the Workers' Compensation Insurance Reporting Bureau (WCIRB). WCIRB is not a public agency but it provides information to the public. It will provide the names of the current and recent workers' compensation insurance carriers of every employer in California, in response to a written request, for a fee of \$8 for every year for which you seek information.

Information about Whether Surety Insurance Carriers are "Admitted" to do Business in California

The California Department of Insurance will verify whether an insurance carrier is "admitted" to issue insurance policies within the State. The Department has a "Hot-Line" number – 800-927-4357, and a web-site from which the information is available: www.insurance.ca.gov

Information on Disqualification from Bidding on Public Contracts

Information on the identities of contractors that have been disqualified from bidding on public works contracts is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 455 Golden Gate Avenue, San Francisco, telephone (415) 703-4810.

Information Available from the Secretary of State about Corporations

The California Secretary of State has certain current and historical information about all corporations that operate in California: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. (Secretary of State, Business Programs Division, 1500 Eleventh Street, Sacramento, CA 95814. Telephone (916) 653-2121 or 653-1239). The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

Information Available from County Clerks about Partnerships and Sole Proprietorships

Every business, including a partnership, that operates under a “fictitious name” (for example, “Ajax Sheet Metal Contractors” or “Smith Brothers Electrical Contractors”) is required to file with the County Clerk in the county in which its home office is located a “Fictitious Business Name” statement. This statement will indicate the owner of the business, if the business is a sole proprietorship, and the names of partners, if the business is a partnership. The information is available to the public from the County Clerk upon request. A written request may be necessary.

Information about Bankruptcy Proceedings

Bankruptcy petitions, which include the names of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In California, Bankruptcy Courts are located in Sacramento, Modesto, Fresno, San Francisco, Oakland, San Jose, Los Angeles, Santa Ana, Riverside, and San Diego. Most documents filed in court in bankruptcy proceedings are available for public inspection, at the Bankruptcy Court clerk’s office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records). In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the “PACER” (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

Information about Civil Suits and Arbitration Cases

Each court keeps records of every civil suit filed in that court, and of the judgments that are issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the California Public Records Act.

Information about Criminal Convictions

Criminal convictions are a matter of public record. Each courthouse (in both the federal and state court systems) has an index of its own criminal records. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the

state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

Information about Federal Court Civil and Criminal Cases

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the “PACER” (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

Information about Citations Issued for Violation of Industrial Safety and Health Laws

Information about citations issued by both the federal Occupational Safety and Health Administration and the California Division of Occupational Safety and Health (Cal OSHA) are available on a web-site maintained by federal OSHA, <http://www.osha.gov>. At that web site, click on “Library.” On the Library page, click on “Statistics and Inspection Data.” Next, click on “Establishment Search.” When the next screen appears, enter the name of the contractor about whom you seek information in the “Establishment” window. In the “Process” window, enter the number 999999. Click on California in the “State” window. In the “Inspection Date” window, enter “1990.” Then click the submit button.

Information about Prevailing Wage Law Violations

Information about recent prevailing wage law violations is available from the Division of Labor Standards Enforcement, at 2424 Arden Way, Suite 360, Sacramento, CA 95825. A model letter asking for such information is enclosed.

Citations from Either Air Quality or Water Quality Board for Violations of Regulations

Information about citations issued by the California Air Resources Board is available from that agency under the Public Records Act. Their address is 2020 L Street, Sacramento, CA 95814, or Post Office Box 2815, Sacramento, 95812. In addition, Regional Air Quality Management Districts and Regional Water Quality Control Boards throughout the state may issue citations for violation of air quality or water quality standards. Consult the appropriate board in your area for information about how to gather appropriate information.

Information about State-Approved Apprenticeship Plans and Violations of State Apprenticeship Laws

Information about violations of state apprenticeship laws can be obtained from the Division of Apprenticeship Standards, 455 Golden Gate Avenue, 8th Floor, Post Office Box 420603, San Francisco, CA 94142.

4) COUNTY'S INSURANCE REQUIREMENTS

The Contractor shall procure and maintain, for the duration of the Contract and for the period of twelve months after final acceptance of Contractor's work by the Board of Supervisors of the County of Napa, insurance coverage as specified in the terms below. The language below will be incorporated into the contract between COUNTY and any contractor that is ultimately awarded a contract.

Maintenance of proper insurance coverages as described herein is a material element of this Contract. Failure to maintain or renew coverage or to provide evidence of renewal may be treated by COUNTY as a material breach of this Contract. The Contractor acknowledges that the insurance coverage and policy limits set forth in this Contract constitute the minimum amount of coverage required. Any insurance proceeds available to COUNTY in excess of the limits and coverage required in this Contract and which is applicable to a given loss, will be available to COUNTY.

CONTRACTOR shall obtain and maintain in full force and effect throughout the term of this Agreement, and thereafter as to matters occurring during the term of this Agreement, the following insurance coverage:

(a) Workers' Compensation insurance. To the extent required by law during the term of this Agreement, CONTRACTOR shall provide workers' compensation insurance for the performance of any of CONTRACTOR's duties under this Agreement, including but not limited to, coverage for workers' compensation and employer's liability and a waiver of subrogation, and shall provide COUNTY with certification of all such coverages upon request by COUNTY's Risk Manager.

(b) Liability insurance. CONTRACTOR shall obtain and maintain in full force and effect during the term of this Agreement the following liability insurance coverages, issued by a company admitted to do business in California and having an A.M. Best rating of A:VII or better, or equivalent self-insurance:

(1) General Liability. Commercial general liability [CGL] insurance coverage (personal injury and property damage) of not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit per occurrence, covering liability or claims for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of CONTRACTOR or any officer, agent, or employee of CONTRACTOR under this Agreement. If the coverage includes an aggregate limit, the aggregate limit shall be no less than twice the per occurrence limit.

2) Comprehensive Automobile Liability Insurance. Each party shall obtain and maintain in full force and effect during the term of this Agreement a comprehensive automobile liability insurance policy (Bodily Injury and Property Damage) on owned, hired, leased and non-owned vehicles used in conjunction with that party's activities under this Agreement of not less than THREE HUNDRED THOUSAND DOLLARS (\$300,000) combined single limit per occurrence.

(c) Certificates of Coverage. Where the foregoing coverages are provided by insurance rather than by self-insurance (written proof of which shall be provided to the other party), the coverages shall be evidenced by one or more certificates of coverage which shall be filed with the other party's Secretary or Clerk prior to reimbursement for performance of any of the party's duties under this Agreement; shall reference this Agreement by its COUNTY number or title and department; and shall provide that the inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, the coverage afforded applying as though

separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company's liability. For the insurance coverages referenced in 7(b)(1) and (3), CONTRACTOR shall also file with the evidence of coverage an endorsement from the insurance provider naming COUNTY, its officers, employees, agents and volunteers as additional insureds and waiving subrogation, and the certificate or other evidence of coverage shall provide that if the same policy applies to activities of CONTRACTOR not covered by this Agreement then the limits in the applicable certificate relating to the additional insured coverage of COUNTY shall pertain only to liability for activities of CONTRACTOR under this Agreement, and that the insurance provided is primary coverage to COUNTY with respect to any insurance or self-insurance programs maintained by COUNTY. The additional insured endorsements for the general liability coverage shall use Insurance Services Office (ISO) Form No. CG 20 09 11 85 or CG 20 10 11 85, or equivalent, including (if used together) CG 2010 10 01 and CG 2037 10 01; but shall not use the following forms: CG 20 10 10 93 or 03 94. Upon request by the other party, the party shall provide or arrange for the insurer to provide the other party with certified copies of the actual insurance policies or relevant portions thereof within thirty (30) days of the request.

(d) Deductibles/Retentions. Any deductibles or self-insured retentions shall be declared to COUNTY's Risk Manager.