



REQUEST FOR QUALIFICATIONS OF DESIGN-BUILD ENTITIES

FOR CITY OF CAPITOLA

**CITY HALL COMPLEX EMERGENCY POWER PROJECT
420 CAPITOLA AVENUE, CAPITOLA 95010**



SUBMITTAL DEADLINE:

JUNE 10, 2022, BY 3:00 P.M.

CAPITOLA CITY HALL, 420 CAPITOLA AVENUE, CAPITOLA, 95010

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ADVERTISEMENT FOR DESIGN-BUILD ENTITIES PREQUALIFICATION



**CITY OF CAPITOLA
NOTICE OF PUBLIC WORKS PROJECT
ADVERTISEMENT FOR
DESIGN-BUILD ENTITIES PREQUALIFICATION**

The City of Capitola Public Works Department is soliciting proposals from Design-Build Entities to work collaboratively with city representatives to design and construct the City Hall Complex Emergency Power Project (Project). It is the City's intent to award a single contract to a selected Design-Build Entity to deliver the Project.

Subject to conditions prescribed by the City of Capitola, responses to the prequalification documents for a Design-Build Entities are sought for the following project:

**CITY HALL COMPLEX EMERGENCY POWER PROJECT
Capitola, CA**

Notice is hereby given that the City of Capitola (City) is soliciting Statements of Qualifications (SOQs) from Design-Build (DB) Entities in the form of a qualification questionnaire and qualification statements. All DB Entities that intend to submit a proposal for the City Hall Emergency Power Project must fully complete the SOQ package and provide all materials requested. City intends to create a short-list of the most highly qualified DB Entities. Only short-listed DB Entities will be issued a Request for Proposal (RFP). Following receipt of Proposals, City will select the proposal that City determines to provide the best value, based on the qualification and other factors that will be set forth in the RFP.

GENERAL DESCRIPTION OF WORK

The City Hall Complex Emergency Power Project consists of evaluating the existing roof for the installation of solar panels and battery systems to provide power resiliency and allow the City to decommission an existing diesel generator, which only provide backup power to the Police Department. The power needs of the City Hall Complex are 40,000 watts to be provided by battery storage charged by solar panels.

The City Hall Complex Emergency Power Project construction is anticipated to begin in August 2022, and complete before December 31, 2022.

The maximum budget for the City Hall Complex Emergency Power Project is \$390,000.

The Statement of Qualifications must be submitted on or before 3:00 P.M., Friday, June 10, 2022

Failure to provide a responsive SOQ by the time specified above will preclude the DB Entity from subsequent participation in the request for proposal for the project.

The Prequalification Documents can be obtained from the City's website at <http://www.cityofcapitola.org/rfps>, or at the Public Works office at 420 Capitola Avenue, Capitola CA 95010, or by calling (831) 475-7300.

Steven E. Jesberg
Public Works Director

OBTAINING THE REQUEST FOR PRE-QUALIFICATIONS, SUBMITTAL DEADLINE, AND SCHEDULE

On **Wednesday, June 1, 2022**, prequalification documents can be obtained via the city's website at www.cityofcapitola.org/rfps or at city hall:

City of Capitola
City Hall
420 Capitola Avenue
Capitola, CA 95010
831-479-7300

The SOQ must be submitted on or before **Friday, June 10, 2022, before 3:00 PM**, completed prequalification documents will be received at:

City of Capitola
City Hall
420 Capitola Avenue
Capitola, CA 95010
831-479-7300

No prequalification documents will be accepted after 3:00 PM. However, the City reserves the right to request, receive, and evaluate supplemental information after the above time and date at its sole determination.

Prequalified Design-Build Entities announced: **Monday, June 13, 2022**
Bidding Documents available to the prequalified bidders: **Monday, June 13, 2022**
Bids received and opened: **Wednesday, June 29, 2022**
Design-Build Contract award: **Thursday, July 28, 2022**

The RFP will provide additional process and project schedule information.

NOTICE OF QUALIFICATION

City will notify each DB Entity that submits a Statement of Qualifications (SOQs) in a Notice of Qualification regarding the status and whether they been short-listed to submit a proposal for the PROJECT. DB Entities are advised that the act of submitting a SOQ is not a guarantee that City will determine that the entity is qualified.

TWO-STEP DESIGN-BUILD SELECTION

The process for award of the Design-Build Contract will be a two-step selection process. Step 1 is issuance of this RFQ to solicit information in the form of SOQs. The SOQs will be evaluated to create a short-list of the most highly qualified DB Entities. Step 2 is the RFP process which will determine final ranking of the proposing DB Entities, based on selection criteria and evaluation elements defined in the RFP document. Award of the Design-Build Contract will be made to the DB Entity whose proposal is determined to be the overall best value to the CITY, which is based upon evaluation criteria defined in the RFP, which may include, but not limited to, experience, past performance, project approach and price.

PROJECT DELIVERY OVERVIEW

It is the City's intent to award a single contract to the selected DB Entity to deliver the Project. The selected DB Entity will be the single point of contact and have contractual responsibility for all services contracted by the City for the Project. By combining the responsibilities of design and construction within a single team the City expects to secure benefits by reducing costs, integrating construction considerations into the design of the Project to deliver a high-quality project achieving benefits from schedule and cost efficiencies. Additional benefits include reducing the risk to City by contracting project responsibilities to a single entity, allowing for appropriate innovations in technology, and competitive selection of the best pre-qualified DB Entity.

It is anticipated that after the DB Entity is selected from the RFP process, the design will progress in an interactive

manner leading to a negotiated guaranteed maximum price.

CONFLICT OF INTEREST

Each DB Entity submitting a SOQ is responsible for determining whether its participation or the participation of other DB team members in the proposed Design-Build Contract constitutes a conflict of interest or potential conflict of interest under California Government Code Sections 1090 or 83111-83116, or other applicable law. Each DB Entity must investigate and manage any potential conflict of interest as part of considering whether to submit a SOQ and when assembling its project team.

LEGAL AUTHORITY

This procurement is structure to comply with the requirements of California Senate Bill 785 (Public Contract Code Sections 22160-22169), as well as the requirement of all other applicable California law.

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PREQUALIFICATION PROCESS

Each prospective DB Entity must provide a complete, responsive SOQ package which consists of contact information and general information, the minimum requirements and scored questions and project experience, key personnel experience, and DB Entity financial information with all required attachments and any other supplemental information. Submission of an incomplete and/or unclear SOQ could result in a determination by City that prospective DB Entity is nonresponsive.

Prequalification Documents

Prequalification documents consisting of these instructions are available to prospective Design-Build Entities on the city website www.cityofcapitola.org/rfps or in person at:

City of Capitola
City Hall
420 Capitola Avenue
Capitola, CA 95010
831-479-7300

Any questions or requests for clarification or interpretation of the Prequalification Documents must be received in writing before 12 NOON. on **Wednesday, June 8, 2022**. Questions received after the above-noted deadline may be answered at the discretion of the City. Questions and requests may be emailed to the Kailash Mozumder, Public Works Project Manager at kmozumder@ci.capitola.ca.us

Addenda containing responses to questions from prospective Design-Build Entities, and any other clarifications or changes, will be provided no later than the end of the business day on Wednesday, June 8, 2022. Addenda will be emailed to all who are known by the City to have received a complete set of Prequalification Documents and who have provided an email address for receipt of Addenda. Prospective Design-Build Entities will return an email response/receipt to the City verifying receipt of any addenda.

Prospective Design-Build Entities shall submit two (2) printed sets of the completed prequalification questionnaire, and required attachments, and one (1) electronic PDF copy no later than 3:00 p.m. on Friday, June 10, 2022, in a sealed envelope identifying project name, prospective Contractor's name and addressed to the following:

City of Capitola
City Hall
420 Capitola Avenue
Capitola, CA 95010
ATTN: Capitola City Hall Emergency Power Project
AND
Electronic submittal to: kmozumder@ci.capitola.ca.us

No prequalification questionnaire will be accepted after **3:00 p.m. on Friday, June 10, 2022**. However, the City reserves the right, at its sole discretion, to request, to receive, and to evaluate supplemental information after the above time and date.

Prospective Design-Build Entities will be notified via email of the outcome of the prequalification process.

Evaluation Factors for Prequalification

Prospective Contractors who meet the minimum requirements will be deemed prequalified and only those so prequalified will be eligible to submit a bid for this Project

The minimum requirements to achieve prequalification based on responses provided in the Prequalification Questionnaire are listed below. **Please review this information carefully.**

1. **License(s):** Possession of a valid California “C-46” Contractor’s license classification in good standing at the date and time of the prequalification questionnaire submittal. License must not have been suspended or revoked within the previous 3 years and no complaints requiring a formal hearing shall have been filed with the Contractor’s State License Board.
2. **Firm:** Operating under the same name in California for at least 3 years.
3. **Office Location:** Location of a permanent office within the State California.
4. **Surety:** Demonstrate having sufficient bonding capacity by submitting a declaration from a surety company listed in the latest published State of California Department of Insurance list of Insurers Admitted to Transact Surety Insurance in this State.
5. **Insurance:** Demonstrate having required insurance coverage limits by submitting a declaration from that insurance company (except Worker’s Compensation).
The Design-Builder, at the Design-Builder’s sole cost and expense and for the full term of the Design-Build Contract or any extension thereof, will be required to obtain and maintain, at the minimum, all the insurance requirements outlined in Section 3 of the Prequalification Questionnaire
6. **Construction Experience** (for Comparable Projects): Submission of the requested information for three (3) recently completed projects, designated as **Project 1, Project 2, and Project 3**, meeting the following criteria:
 - a. Prospective Contractor completed **Project 1, Project 2, and Project 3**, in the role of Design-Build Entity, developed bid packages and held associated subcontracts.
 - b. **Project 1, Project 2, and Project 3** with **completion dates** between January 1, 2019, and June 1, 2022.
 - c. **At least two (2) of the three (3) projects** must have been completed in the State of California.
 - d. **At least two (2) of the three (3) projects** must have been roof evaluation, solar panel installation and battery systems for power resiliency.
 - e. **At least one (1) of the three (3) projects** must be in a California municipal setting.
7. **Staff Experience:** Professional capabilities and experience of the assigned project manager.
8. **Business Construction Revenue:** Demonstrated financial capability to perform work required to complete this project. Prospective Design-Build Entity’s annual business construction revenue of at least \$1 million for at least three (3) years. Submit a fully completed Contractor’s Statement of Financial Condition.
9. **Liquidated Damages:** Design-Build Entity has not been assessed liquidated damages in the last 3 years.
10. **Disciplinary Measures History:** Design-Build Entity has never been subject of a disciplinary proceeding by a public agency at any time within the preceding 3 years, including decisions/findings/determinations which have been revoked, settled or are on appeal.
11. **False Claims History:** Design-Build Entity has not been found in a final decision of a court to have submitted a false claim to a public agency within the last 3 years.

12. **Termination History:** Design-Build Entity has not been terminated for cause, on any public works projects within the preceding 3 years, including decisions/findings/determinations which have been revoked, settled or are on appeal.
13. **Claims History:** Design-Build Entity has not been determined to have submitted a false claim within the preceding 3 years, including decisions/findings/determinations which have been revoked, settled or are on appeal.

These minimum requirements have been established solely for identifying, in a timely and fair manner, prospective Design-Build Entities that are qualified for successful performance of the type of work required by this project.

Submission of Required Forms: Submission and completion of all information required by the prequalification questionnaire, including, but not limited to, the following:

- Surety Declaration (Notarized)
- Insurance Declaration (Notarized)
- Project Data Information for three (3) comparable projects
- Project Manager's Resume
- Statement of Financial Condition
- Claim Data Sheet
- Prequalification Declaration

All DB Entities that have submitted a Prequalification Questionnaire will be notified by e-mail of whether or not they have successfully achieved Prequalification status. Only those DB Entities that successfully achieve Prequalification status will be eligible to submit a bid for this Project.

Any unsuccessful prospective Contractor may protest the City's decision. The protest shall be filed in writing with the City's Public Works Department not later than three (3) working days after the date of receipt of notification of non-prequalification and shall specify the reasons and facts upon which the protest is based. The written decision of the City will be final and is not appealable.

The City reserves the right to reject any or all responses to prequalification questionnaires and any or all bids and to waive non-material irregularities in any response or bid received.

All information submitted for prequalification under this RFQ process becomes the exclusive property of the City and shall be marked as "confidential" will be considered official information acquired in confidence, and the City will maintain its confidentiality unless (1) the City determines that it is required to release the information to a third party pursuant to the requirements of the California Public Records Act or (2) the City is required by court order to release the information to a third party pursuant to the requirements of the California Public Records Act. If the City receives a request pursuant to the California Public Records Act and the City determines that it is required to disclose information marked "confidential" by the provisions of the California Public Records Act, the City will notify the entity of the pending disclosure at least 72 hours prior to such disclosure so that the entity may seek a restraining order in advance of such disclosure. The City shall err on the side of transparency and will generally treat information provided by the entity that is not marked "confidential" as subject to disclosure pursuant to the California Public Records Act. Likewise, any decision by the City that any document is subject to disclosure pursuant to the California Public Records Act shall not prevent the City from making a subsequent determination that any document is not subject to

disclosure pursuant to the California Public Records Act.
All other information submitted for Prequalification evaluation will be considered official information acquired in confidence, and the City will maintain its confidentiality to the extent permitted by law.

WHERE NECESSARY, COPY THE FORMS IN THIS PACKAGE. USE ONLY THESE FORMS.

PREQUALIFICATION QUESTIONNAIRE
for
CAPITOLA CITY HALL EMERGENCY POWER PROJECT
Capitola, CA

The DB Entity must provide all the following contact information to be considered for further review. The DB Entity must also sign this form, certifying that the statements and information contained in this Statement of Qualification are complete and accurate and that the submittal contains no false or deliberately misleading information. By signing this form, the DB Entity acknowledges that receipt of this submittal by CITY does not constitute either a direct or implied guarantee to the DB Entity that it will be short-listed. By signing this form and submitting this SOQ, the DB Entity further agrees to be bound by the procedures and conditions as described in this Request for Qualification submittal. The DB Entity is the entity that will execute the Design-Build Contract.

As used herein, the term "DB Entity" means the prospective contractor submitting this Prequalification Questionnaire regardless of whether the entity is an individual company, joint venture, or partnership. Please note that the term "contractor" may sometimes be used interchangeably with the term "DB Entity."

Submitted by:

Entity Name (If a Joint Venture, state name of JV Entity)	

Contact Name	

Address	

City, State, Zip Code	

Phone Number	FAX Number

E-Mail	

1. LICENSE(S)

- A. Does the DB Entity hold the following California contractor's license(s), which is (are) currently active, and in good standing with the California Contractor's State License Board?

License Classification: Solar Contractor
License Code(s): "C-46"

YES NO

NOTE -The entity submitting this prequalification questionnaire must be the holder of the requisite license.

- B. If yes, provide the following information about the entity's contractor's license:

1. Name of license holder exactly as on file with the California Contractor's State License Board: _____
2. License Classification(s): _____
3. License Code(s): _____
4. License Number(s): _____

5. Date(s) Issued: _____

6. Expiration Date(s): _____

C. Can you truthfully state the entity's contractor's license has not been suspended or revoked by the California Contractor's State License Board within the last 3 years?

YES NO

D. **Firm:** Can you truthfully state the entity has been operating under the same name in California for at least 3 years?

YES NO

E. **Office Location:** Does the entity have a permanent office within the State California?

YES NO

2. SURETY

Prospective Contractor shall obtain and submit the Surety Declaration in the form shown below, signed by an authorized representative of the surety proposed to be used for this project and notarized.

A. Is the surety to be used for this project authorized by the Insurance Commissioner to transact business in the State of California as an admitted surety insurer (as defined in the California Code of Civil Procedure Section 995.120)?

YES NO

B. Is the entity able to obtain bonding for \$2 million?

YES NO

C. Can the entity truthfully state that **no** surety has paid out any monies on claims on the performance bond issued by a surety for the benefit of the Owner arising out of the construction activities of the entity within the last 3 years?

YES NO

D. Can the entity truthfully state that **no** surety has paid out any monies on claims on the payment bond issued by a surety for the benefit of the Owner arising out of the construction activities of the entity within the last 3 years?

YES NO

E. Surety Declaration:

PROVIDE THIS DECLARATION TO YOUR SURETY(IES) FOR COMPLETION. DO NOT HAVE THIS SURETY SUBMIT THIS INFORMATION DIRECTLY TO THE CITY.

The undersigned declares under penalty of perjury that the bonding capacity indicated above is true and correct and that this declaration was executed in

County	State
on _____	_____
Date	

Signature	

Name and Title – Printed or Typed	

Representing (Surety Name)	

Entity Name	

Address	

City, State, Zip Code	

Phone Number	Facsimile Number

E-Mail (Optional)	

(ATTACH NOTARIZATION of SURETY REPRESENTATIVE'S SIGNATURE)

This sheet is intentionally blank .

3. INSURANCE

Prospective Contractor shall obtain and submit the Insurance Declaration in the form shown below, signed by an authorized representative of its insurer and notarized. If more than one insurer, submit a completed form for each insurer.

A. Is the entity able to obtain insurance in the following limits for this construction contract?

YES NO

<u>Commercial Form General Liability Insurance - Limits of Liability</u> Each Occurrence - Combined Single Limit for Bodily Injury and Property Damage	<u>Minimum Requirement</u> \$2 Million
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<u>Business Automobile Liability Insurance - Limits of Liability</u> Each Accident - Combined Single Limit for Bodily Injury and Property Damage	<u>Minimum Requirement</u> \$1 Million
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<u>Workers Compensation and Employer's Liability Insurance**</u> Workers Compensation:	<u>Minimum Requirement</u> (as required by Federal and State of California law)
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Employer's Liability:	
Each Employee	\$1,000,000
Each Accident	\$1,000,000
Each Policy	\$1,000,000

B. Insurance Declaration:

PROVIDE THIS DECLARATION TO YOUR INSURANCE CARRIER FOR COMPLETION. DO NOT HAVE THE CARRIER SUBMIT THIS DECLARATION DIRECTLY TO THE CITY.

The undersigned declares under penalty of perjury that below named insurer is currently willing to provide the insurance listed above and that this declaration was executed in

County	State
on _____	_____
Date	

Signature	

Name and Title – Printed or Typed	

Representing (Insurer Name)	

Entity Name	

Address	

City, State, Zip Code	

Phone Number	Facsimile Number

E-Mail (Optional)	

(ATTACH NOTARIZATION of INSURER REPRESENTATIVE'S SIGNATURE)

4. CONSTRUCTION EXPERIENCE (for COMPARABLE PROJECTS)

Has the DB Entity successfully **completed** at least three (3) comparable projects between January 1, 2019, and June 1, 2022, in the State of California, acting as a solar contractor during the construction phase of the project?

YES NO

A. Subject to the above qualifications, a “comparable project” is defined as having ALL the following:

1. A construction cost at the bid date of at least **\$200,000**, and
2. Delivery method(s): Lump Sum or Design Build
3. Constructed by the entity submitting this Prequalification Questionnaire. (Projects completed by present employees of the contractor for former employers are **not acceptable**).
4. Submission of the requested information for three (3) recently completed projects designated as **Project 1, Project 2, and Project 3**, meeting the following criteria:
 - a. Prospective Contractor completed **Project 1, Project 2, and Project 3**, in the role of Design-Build Entity, and held associated subcontracts.
 - b. **Project 1, Project 2, and Project 3**, with **completion dates** between January 1, 2019, and June 1, 2022.
 - c. **At least two (2) of the three (3) projects** must have been completed in the State of California.
 - d. **At least two (2) of the three (3) projects** must have been roof evaluation, solar panel installation and battery systems for power resiliency.
 - e. **At least one (1) of the three (1) projects** must be a California in a municipal setting.

B. An entity wishing to use a predecessor business to satisfy prequalification requirements must demonstrate with written information submitted with this Prequalification Questionnaire that it is substantially the same organization (in terms of who is managing Contractor) as the predecessor business. An entity may meet the requirement of the preceding sentence by demonstrating that the same person is the qualifying individual (under California Contractor’s License Law) for:

1. Contractor’s license of Contractor which shall be the same type as license required for the Contract; and
2. Contractor’s license of predecessor business which shall also be the same type as the license required for the Contract.

C. Does the DB Entity hereby agree that the contractors at every tier will use a “skilled and trained workforce” to perform all work on the PROJECT that falls within an “apprenticeable occupation: in the building and construction trades, or has the DE Entity attached hereto evidence that the DB Entity has entered into a project labor agreement incorporating such requirements, as required by PCC 22164(c)?

YES, the DB Entity will use a “skilled and trained workforce”

- YES, the DB Entity has entered into a project labor agreement (include such evidence)
- NO

COMPLETE AND SUBMIT THE FOLLOWING PROJECT DATA SHEET FOR EACH COMPARABLE PROJECT. THIS WILL SERVE AS EVIDENCE OF THE ENTITY'S EXPERIENCE. SUBMIT NOT MORE OR LESS THAN THE NUMBER PROJECT DATA SHEETS CORRESPONDING TO THE REQUIRED NUMBER OF COMPARABLE PROJECTS LISTED ABOVE.

PROJECT DATA INFORMATION

Prepare a separate document for each project submitted.

1. Project Name: _____
2. Project Location
(including full address,
if any): _____
City: _____ State: _____ Zip: _____
3. Project Description: _____

4. Size (gross sq. ft.): _____
5. Construction Type: _____ LEED Rating (if applicable): _____
6. Cost at Bid: \$ _____ Date: _____
Cost at Completion: \$ _____ Date: _____
7. Describe the sources and/or causes of the difference, if any, in the costs noted in Question 6, with reference to the following categories:

Document Clarification: \$ _____
Unforeseen Conditions: \$ _____
Owner Generated Scope: \$ _____
Regulatory Agency: \$ _____
Other: \$ _____

Explain Other: _____

8. Was construction of the project begun and completed within the last 3 years?

YES NO
9. Contract Time at Bid (Number of calendar days): _____

Formally adjusted Contract Time
(Number of calendar days. If not adjusted, state "Not Applicable."): _____

Actual Elapsed Time between issuance of the Notice to Proceed and the date of completion
(Number of calendar days): _____

If completion time did not occur within the Contract Time (at bid date) or within the formally Adjusted
Contract Time, then explain the reason, or reasons, for the delay:

10. Were there liquidated damages or actual damages for delay assessed on this project?

YES NO

11. Did your entity act as a Solar Contractor during the entire project?

YES NO

14. Type of construction information:

15. Where there any warranty call-backs for water intrusion?

YES NO

If so, please describe:

16. Business name of entity which constructed this project:

17. Project Owner's Name: _____

18. Project Owner's Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

E-mail: _____

Owner's Representative:
(if applicable)

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

E-mail: _____

19. Design Professionals

Architect
or Engineer of Record:

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

E-mail: _____

Other 1:

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

E-mail: _____

Other 2:

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

E-mail: _____

(Attach additional pages with other pertinent project information as necessary)

5. STAFF EXPERIENCE

Has the Project Manager successfully *completed* at least three (3) comparable projects, as defined in Item 4, (A), Construction Experience?

YES NO

A. PROJECT MANAGER:

1. The name of the Project Manager to be committed to this project and continuously retained throughout this project is:

_____ (Attach resume)

2. Present position/job function within entity: _____

3. The Project Manager named above was assigned to the following comparable projects:

Project Name: _____ Construction Cost (at Completion): _____

a. _____ \$ _____

b. _____ \$ _____

4. The Project Manager named above worked on the following projects for which Project Data Sheets are submitted: (Note: If the above designated individual did not work in this capacity on at least one (1) comparable project for which project data sheets were submitted, provide a project data sheet for one (1) of the projects listed in 3., above.

a. _____

b. _____

6. FINANCIAL INFORMATION

DB Entity shall provide and attached the following in a sealed envelope attached only to the Original SOQ submittal:

- A copy of the DB Entity's most recent financial statements including the balance sheet, statement of cash flows, and note to the financial statements.

In the event the DB Entity is a partnership or joint venture (whether formed or intended to be formed), all general partners or members shall provide the above financial information. The financial information must be for the company(s) that make up the DB Entity, not the parent company, unless the parent company is acting as the Guarantor.

Fill in the information below for the two most recent fiscal years. If the DB Entity is a partnership or joint venture (whether formed or intended to be formed), all general partners or member shall provide the information below:

Current Assets: \$ _____

Current Liabilities: \$ _____

Total Net Worth: \$ _____

Current Ratio (Assets/Liabilities): \$ _____

Working Capital (Current Assets – Current Liabilities): \$ _____

7. LIQUIDATED DAMAGES

Can you truthfully state that in the last 3 years, the entity (nor any member of the entity if a joint venture or partnership) HAS NOT been assessed liquidated damages on a construction contract with either a public or private owner?

YES NO

8. DISCIPLINARY MEASURES HISTORY

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) has not been disqualified or otherwise barred from doing business with a public agency (e.g., federal, state, county, city, University of California System, California State University System, California State Community College District, California K-12 school district) within the last 3 years?

YES NO

9. FALSE CLAIMS HISTORY

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) has not been found in a final decision of a court to have submitted a false claim to a public agency (e.g., federal, state, county, city, University of California System, California State University System, California State Community College District, California K-12 school district) within the last 3 years?

YES NO

10. TERMINATION

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) under present company ownership HAS NOT been terminated for cause by an Owner after construction commenced?

YES NO

11. CLAIMS HISTORY

Each prospective Contractor will be evaluated to determine if the prospective Contractor and/or persons or entities associated with prospective Contractor have a history of having claims without merit asserted by or on their behalf in litigation or arbitration and/or of having had meritorious design or construction claims asserted against them in litigation or arbitration.

To be evaluated, each prospective Contractor must complete the Claims History portion of this questionnaire. Based on the information provided, each prospective Contractor will be assigned a Claims History score.

One (1) point will be deducted from five (5) total available points for each qualifying lawsuit or arbitration, commenced within three (3) calendar years preceding the deadline for submission of the prequalification questionnaire, in which prospective Contractor and/or persons or entities associated with prospective Contractor, had design or construction claims **asserted by or on their behalf**, that were resolved by trial court judgment, arbitration award or settlement calling for receipt of less than 50% of the total amount of claims asserted in the lawsuit or arbitration.

Any prospective Contractor with a score of four (4) or less points will presumptively be considered not prequalified because the prospective Contractor and/or persons or entities associated with prospective Contractor have been a party to one (1) or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, un-meritorious design or construction claims or they had meritorious design or construction claims asserted against them.

The presumption may be rebutted if the City determines, after investigating any explanation offered in providing the Claims History, that the prospective Contractor and/or persons or entities associated with prospective Contractor have not been a party to 1 or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, un-meritorious design or construction claims or they had meritorious design or construction claims asserted against them.

If the presumption is not rebutted, the prospective Contractor will be deemed to have an unacceptable Claims History and will not be pre-qualified for the Project that is the subject of this prequalification process.

As used herein:

“Lawsuit” means any lawsuit commenced within three (3) calendar years preceding the deadline for submission of the prequalification questionnaire.

“Arbitration” means any binding arbitration commenced within three (3) calendar years preceding the deadline for submission of the prequalification questionnaire.

“Claim” means a claim (excluding claims solely for the enforcement of stop notices) arising from design and/or construction work and includes, without limitation, claims for extra compensation and damages (including delay, disruption and acceleration damages, but excluding claims for personal injury or death), and claims for defective design or construction work.

“Pass-Through Claim” has the meaning commonly ascribed to it in the construction industry and includes (i) any claim that was or is asserted by a person or entity, in whole or in part, against an Owner on behalf of a different person or entity; and (ii) any claim that was or is asserted by an Owner against a person or entity, and that was subsequently reasserted, in whole or in part, against a different person or entity.

“Entity” means all entities and individuals who are intended to work as a part of, for, or under the prospective Contractor on the Project that is the subject of this prequalification process and includes, without limitation, such entities or individuals who are prime contractors, and if a joint venture, all members of the joint venture.

Whenever a person or entity is referred to, the reference includes the person or entity and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, predecessors and successors in interest of or to the person or entity. For instance, a reference to a contractor includes the prospective Contractor and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, insurers, predecessor businesses and successor businesses of the Contractor.

A. Can entity truthfully state that the entity has **not** been non-prequalified, in part or in whole, within the past three (3) years, for failure to provide requested information regarding past litigation or arbitration history?

YES NO

1. Lawsuits and Arbitrations **by** Entity: Can entity truthfully state that, within the past three (3) years, the entity has **not** been a party to any lawsuits or arbitrations, where the total amount of Claims (including Pass-Through Claims) asserted **by or on behalf of** the entity exceeded \$10,000?

YES NO

If no, how many? _____

For each such claim, complete a copy of Claim Data Sheet and attach it to the entity's prequalification questionnaire.

2. Lawsuits and Arbitrations **against** Entity: Can entity truthfully state that, within the past Three (3) years, the entity has **not** been a party to any lawsuits or arbitrations where the total amount of Claims (including Pass-Through Claims, and claims for indemnity or contribution) **against** the entity exceeded \$10,000?

YES NO

If no, how many? _____

For each such claim, complete a copy of Claim Data Sheet and attach it to the entity's prequalification questionnaire.

CLAIM DATA SHEET

A separate data sheet must be prepared for each Lawsuit or Arbitration as required above. If the claims were made against the entity and were resolved for more than 50% of the highest amount sought, state why the claims should not be considered meritorious design or construction claims asserted against prospective Contractor and/or persons or entities associated with prospective contractor:

(Make additional copies of this CLAIM DATA SHEET as needed)

Case Name and Number including Name and Location of Court or Arbitration Service:

Date Arbitration or Litigation Commenced: _____

Project or Contract Number: _____

Project Name: _____

Project or Contract Number: _____

Project Location: _____

City: _____ State: _____ Zip: _____

Owner's Name: _____

Contact Person and Title: _____

Owner's Telephone Number: _____

Description of Claim(s):

Highest Amount Sought for All Claims: \$ _____
Amount in Figures

Amount Recovered \$ _____
Amount in Figures

Date of Claim Resolution: _____

Method of Resolution (check one):

Judgment Arbitration Award Settlement

Other – Describe: _____

PREQUALIFICATION DECLARATION

I, _____
(Printed Name)

hereby declare that I am the _____
(Title)

of _____
(Name of Entity)

am submitting this Prequalification Questionnaire; that I am duly authorized to sign this Prequalification Questionnaire on behalf of the above-named entity; and that all information set forth in this Prequalification Questionnaire and all attachments hereto are, to the best of my knowledge, true, accurate and complete as of its submission date.

The undersigned declares under penalty of perjury that ALL the prequalification information submitted with this form is true and correct and that this was executed in

_____ County State

on _____
Date

Signature

Name and Title – Printed or Typed

Address

City, State, Zip Code

_____ Phone Number Facsimile Number

E-Mail (optional)

This sheet is intentionally blank.