

Agenda Item:	IV L: Action Item
Date:	June 17, 2024
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“ <b>MPS</b> ”) Board of Directors (the “ <b>Board</b> ”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Patrick Ontiveros, General Counsel & Director of Facilities Mustafa Sahin, Facilities Project Manager Katrina Jimenez, Assistant Project Manager
RE:	Approval of Resolution Implementing Prequalification of Construction Contracts for MSA-5 Project at 7111 Winnetka Ave

**1. Action Proposed:**

MPS Staff moves that the Board adopt the Resolution #20240617-01 implementing prequalification processes and procedures required by the Public Contract Code for the Magnolia Science Academy—5 project located at 7111 Winnetka Avenue (the “**Project**”).

**2. Purpose:**

The resolutions meet the prequalification requirements set out in the Public Contract Code for projects with a projected expenditure of one million dollars (\$1,000,000) or more to be paid for with State funds.

**3. Overview:**

The documents attached as Exhibit A meet the requirements for prequalifying bidders for State funded projects. The documents were prepared by MPS’s legal counsel at Tao Rossini.

**4. Analysis:**

To meet the target completion and occupancy date for the Project, MPS Staff, in collaboration with its construction manager Gateway Science and Engineering, needs to start the prequalification and bidding process for the Project. The prequalification process will ensure that the Project not only complies with applicable law but also will limit the potential bidders to qualified entities, ensuring the quality and success of the Project.

**5. Budget Impact:**

There is no budget impact with adopting the resolutions approving the

prequalification documents.

**6. Exhibits:**

Exhibit A            Resolutions and Prequalification Documents

**RESOLUTION IMPLEMENTING PREQUALIFICATION  
OF CONSTRUCTION CONTRACTORS UNDER  
PUBLIC CONTRACT CODE SECTION 20111.6  
MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION**

**RESOLUTION NO. 20240617-01**

**WHEREAS**, for construction contracts awarded on or after January 1, 2014, Public Contract Code section 20111.6 requires the governing board of a school district with an average daily attendance over two thousand five hundred (2,500) to prequalify bidders for public works projects using any funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code section 17070.10 et seq.) or any funds from any future state school bond for a public project with a projected expenditure of one million dollars (\$1,000,000) or more;

**WHEREAS**, for purposes of Public Contract Code section 20111.6 and public projects that fall within its purview, bidders shall include the prime contractor and, if utilized, all electrical, mechanical, and plumbing subcontractors (licensed pursuant to section 7058 of the Business and Professions Code- specifically, contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses);

**WHEREAS**, the standardized questionnaire and financial statement in a form specified by the District (“**Questionnaire**”) is required to include a complete statement of the prospective bidder’s financial ability and experience in performing public works;

**WHEREAS**, the Questionnaire and financial statement must be verified under oath by the bidder in the manner in which civil pleadings and civil actions are verified;

**WHEREAS**, the Questionnaire is not a public record and is not to be opened to public inspection,;

**WHEREAS**, each Questionnaire submitted by a prospective bidder will be scored in accordance with an established point system;

**WHEREAS**, Public Contract Code section 20111.6 requires the District to adopt and apply a uniform system of rating bidders on the basis of the completed Questionnaire in order to determine if bidders will be deemed qualified to bid;

**WHEREAS**, the District may not accept a proposal from any potential bidder who is required to submit a Questionnaire in accordance with Public Contract Code section 20111.6, but has not done so at least ten (10) business days prior to the date fixed upon the public opening of sealed bids, or has not been prequalified by the District in accordance with Public Contract Code section 20111.6(f) at least five (5) business days prior to the opening of sealed bids; and

**WHEREAS**, the District wishes to establish a process for prequalifying prospective bidders pursuant to Public Contract Code section 20111.6 on a yearly basis and such

prequalification shall be considered valid for up to one (1) calendar year following the date of initial prequalification.

**NOW THEREFORE, THE GOVERNING BOARD OF MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION DOES HEREBY RESOLVE:**

1. In accordance with Public Contract Code Section 20111.6, the Governing Board ("**Board**") of the District establishes a prequalification program for construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 et seq.) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, ("**Prequalification Program**").

2. The Prequalification Program shall utilize the Questionnaire attached hereto as Exhibit "A" and incorporated herein.

3. In accordance with Public Contract Code section 20111.6, the District adopts the Prequalification Evaluation of allocating points set forth in the document attached hereto as Exhibit "B" with respect to the District's review of any submitted Questionnaires. Any potential bidder who submits a Questionnaire that does not meet the above-referenced criteria set forth therein shall be considered not qualified and rejected.

4. The Questionnaire shall be completed by any potential bidder in conformance with Public Contract Code section 20111.6.

5. With respect to construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, each prospective bidder must be prequalified in conformance with the Prequalification Program prior to submitting a bid.

6. In submitting any bids for construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, and any future projects that require prequalification of contractors, the District will furnish each prospective bidder a standardized proposal form that when completed and executed, will constitute such potential bidder's bid ("**Proposal**").

7. A Proposal shall not be accepted from any person or other entity for any construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more who: (1) has not submitted a Questionnaire at least ten (10) business days prior to the date fixed for the public opening of the seal bids for such construction contract in accordance with Public Contract Code Section 20111.6(f), or (2) who has not been prequalified for at least five (5) business days prior to the public opening of seal bids for such contract, in accordance with Public Contract Code Section 20111.6(f).

8. Once prequalified pursuant to this section, such prequalification shall be valid for up to one (1) calendar year following the date of initial prequalification.

9. The Board hereby delegates to the District's Chief Executive Officer & Superintendent, Chief Financial Officer, the Board Chair, and/or their designees, the authority to determine whether a potential bidder shall be considered prequalified, the authority to hear and oversee prequalification determination appeals, and the authority to make revisions to the Questionnaire and Uniform System of allocating points.

**PASSED AND ADOPTED** by the Governing Board of MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION on June 17, 2024, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

I, Jennifer Lara, Secretary of the Magnolia Educational & Research Foundation Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

\_\_\_\_\_  
Secretary

**EXHIBIT “A”**

[INSERT PREQUALIFICATION QUESTIONNAIRE]

**EXHIBIT “B”**

[INSERT UNIFORM SYSTEM OF ALLOCATING POINTS/SCORING]





## **ANNOUNCEMENT OF PREQUALIFICATION PROCEDURES FOR CONSTRUCTION CONTRACTORS**

Notice is hereby given by the Magnolia Educational & Research Foundation School District (“**District**”) that prime contractors and mechanical, electrical and plumbing (“MEP”) subcontractors (as defined in Public Contract Code section 20111.6) planning to participate in bidding on certain public projects to be undertaken by the District, must be prequalified prior to submitting bids for such public projects. Pursuant to Public Contract Code Section 20111.6 bidders on all public projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involves a projected public project expenditure of one million dollars (\$1,000,000) or more, must be prequalified.

Prequalification application packages are available on the District’s website located at <https://magnoliapublicschools.org/> or at the District’s main office.

### ***Timeline***

In order to submit a valid bid for any project requiring prequalification, prospective bidders must submit a prequalification questionnaire, a financial statement, and a standardized bidding form at least ten (10) business days prior to the date fixed for the public opening of sealed bids or must be deemed prequalified to bid at least five (5) business days prior to that date.

This prequalification packet includes a questionnaire and financial statement, to be verified under oath. The District will use the information and documentation required by the packet to prequalify prime contractors and MEP subcontractors in accordance with Public Contract Code section 20111.6.

### ***Questionnaire***

All questions in the questionnaire must be answered. If a question is not applicable, then indicate a response of “N/A”. “You” or “Yours” as used herein refers to the prospective bidders’ firm and any of its owners, officers, principals and qualifying individuals. Any references to owners, officer, principals or partners herein shall include any qualifying individuals including any RME or RMO. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

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 prospective bidder becomes inaccurate, the prospective bidder must immediately notify the District and provide updated accurate information in writing, under penalty of perjury. Each prospective bidder shall have a duly authorized owner, officer or principal complete the questionnaire and verify the truth of the information provided therein and in the financial statement.

### ***Financial Statement***

In addition to completing the attached questionnaire, each prospective bidder must submit its most current reviewed or year-end audited financial statement, which must have been prepared by a certified public accountant within twelve (12) months of each prospective bidder's submission of the prequalification package. Each prospective bidder must also provide its most current financial statement, which must have been prepared within three (3) months of each prospective bidder's submission of the prequalification package. Finally, each prospective bidder must submit a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California) which states your current bonding capacity.

Financial statements submitted with this prequalification package shall not be prepared by any individual who is in the regular employ of the firm submitting the statement, nor by any individual or entity who has more than a ten percent (10%) financial interest in the firm's business. If the individual or entity that prepared a financial statement submitted with this prequalification package has any financial interest in the firm's business, the firm shall notify the District of such financial interest in a separate signed statement accompanying this prequalification package.

### ***Submission***

Prospective bidders are encouraged to submit prequalification packages as soon as possible, so that they may be notified of prequalification status well in advance of the bid process. The prequalification packages should be sealed, marked "**CONFIDENTIAL PREQUALIFICATION**," and mailed to the following:

Magnolia Educational & Research Foundation  
Attention: Facilities Department  
250 East 1<sup>st</sup> Street, Suite 1500  
Los Angeles, CA 90012

The questionnaire answers and financial statements included in the prequalification packages submitted by prospective bidders are not public records and are not open to public inspection. All such information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of any subsequent proceedings. State law requires that the names of contractors applying for prequalification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

### ***Evaluation by the District***

The District will evaluate the information provided and issue each submitting prospective bidder a rating of "Prequalified" or "Not Prequalified." The District's decision will be based on the information provided, references, and such additional outside information as the District in its discretion deems reasonable and necessary to obtain. The District may, but is not obligated to, investigate the truth of any statements or information provided by a prospective bidder in response hereto.

Prequalification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the prequalification ratings based on subsequently learned information and after giving notice of the proposed action to the prospective bidder and an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification determination.

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

### ***Appeal***

A prospective bidder who has timely submitted a completed application form, and who receives a rating of “Not Prequalified” from the District may appeal that determination. There is no appeal from a finding that a prospective bidder is not prequalified because of a late application or a failure to submit required information. A prospective bidder may appeal the District’s decision with respect to its request for prequalification, by giving written notice to the District no later than five (5) business days after receipt of notice of its qualification status. Notice shall be sent to the address listed above. Unless a prospective bidder files a timely appeal, the prospective bidder waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. The District reserves the right to resolve appeals before or after bid opening or award of any contract. The date for submission and opening of bids for a specific project and any subsequent contract award will not be delayed or postponed to allow for completion of an appeal process.

After receipt of a request for appeal, the District will provide the prospective bidder any supporting evidence that has been received from others or adduced as a result of an investigation by the District. The appealing prospective bidder will be provided an opportunity to rebut any evidence. The District, in its sole discretion, may conduct a hearing regarding the prospective bidder’s timely appeal. If such a hearing is conducted, the prospective bidder consents to the District’s Chief Executive Officer & Superintendent, Chief Financial Officer, Board Chair, or his or her designee, to act as the hearing officer.

### ***Bidding***

Bids will not be accepted from any prospective bidder that did not timely submit a completed prequalification questionnaire and supporting documents, including financial statements, to the District. Omission of requested information, falsification of information, or failing to use the forms provided by the District may result in a finding of “not prequalified”.

MEP subcontractors (licensed pursuant to Section 7058 of the Business and Professions Code, specifically contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46

licenses) must also meet prequalification requirements on all projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involves a projected expenditure of one million dollars (\$1,000,000) or more. If a project includes electrical, mechanical, or plumbing components that will be performed by MEP subcontractors, a list of prequalified prime contractors and MEP subcontractors will be made available by the District to all bidders at least five (5) business days prior to the dates fixed for the public opening of sealed bids.

If a prime contractor uses any MEP subcontractor required for any project, such MEP subcontractor must be prequalified pursuant to these prequalification forms and requirements. If a MEP subcontractor in any prime contractor bid is not prequalified, that bid will not be accepted.

Prospective bidders are warned that a project may have specific requirements that differ or are in addition to being properly prequalified pursuant to these documents. A determination that a contractor or MEP subcontractor is prequalified pursuant to these documents does not automatically mean a contractor or MEP subcontractor meets all of the requirements of a specific project. Prospective bidders are instructed to carefully review the requirements for each project before submitting a bid.

The District reserves the right to amend the prequalification packet at any time. The District reserves the right to waive minor irregularities and omissions in the information contained in the prequalification application submitted and to make all final determinations. Additionally, a determination by the District that a prospective bidder is prequalified does not amount to a final determination that such prospective bidder is responsible or responsive for purposes of bid evaluation. The District may, in accordance with applicable law reject a prequalified contractor's bid, and the District may additionally reject all bids if it determines such action is in the best interest of the public.

**MAGNOLIA EDUCATIONAL & RESARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE**

**IMPORTANT INFORMATION: Please note: Declaration under penalty of perjury (last page of questionnaire) is required under State law. Failure to sign form will invalidate the prequalification packet. A passing score in general for prequalification does not guarantee that bidder will be eligible to bid this particular project. Contractors will receive a separate determination as to the overall prequalification dollar limit.**

**CONTACT INFORMATION**

Contractor \_\_\_\_\_  
(as it appears on license)

Check one of the following:

- Corporation
- Partnership
- Sole Proprietorship
- Joint Venture

Contact Person: \_\_\_\_\_

Address (City, State, Zip): \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Company Website: \_\_\_\_\_

Contractor's License Number(s) and Types (Please include expiration date):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax ID Number \_\_\_\_\_

If firm is a sole proprietor or partnership:

Owner(s) of Company \_\_\_\_\_

Company Union Status:      Union              Non-Union

Minority Status:      MBE              DBE              DVBE              SBE              DBE

Other Minority Certification: \_\_\_\_\_

<b>MAGNOLIA EDUCATIONAL &amp; RESEARCH FOUNDATION PREQUALIFICATION QUESTIONNAIRE</b>
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**PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

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

**To Contractors seeking prequalification as a subcontractor only: You must respond to all Part I questions, however your response to Part I, Question Number 5 will not be rated.**

**Contractor will be immediately disqualified if the answer to any of questions 7, 8, 9 or 10 is “yes.”<sup>2</sup> If the answer to question 9 is “yes,” and if debarment would be the sole reason for denial of prequalification, any prequalification 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
  
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.  
 Yes    No   **(Please provide a current Certificate of Insurance as verification)**
  
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 *et. seq.*  
 Yes    No    Contractor is exempt from this requirement, because it has no employees
  
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.<sup>3</sup>  
 Yes    No

**NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will**

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

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 7, 8, or 10 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1).” As of August 12, 2013, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million.

**be considered as supplemental information only, and is not a substitute for the required financial statement.**

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek prequalification if you are seeking prequalification for a single project; or (if you are seeking prequalification valid for a year) (b) your current available bonding capacity?<sup>4</sup>

Yes  No

**NOTE: Notarized statement must be from the surety company, not an agent or broker. Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

6. Are you currently registered with the Department of Industrial Relations in accordance with Labor Code section 1725.5?

Yes  No

If yes, what is your registration number \_\_\_\_\_.

Please submit proof of registration.

7. Has your contractor's license been revoked at any time in the last five years, even if such revocation was stayed at any time?

Yes  No

8. 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

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

Yes  No

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

\_\_\_\_\_

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<sup>4</sup> An additional notarized statement from the surety may be requested by **Magnolia Educational & Research Foundation** at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid.

10. At any time during the last five years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes    No



**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION QUESTIONNAIRE**

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

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

**For Firms That Are Corporations:**

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

Name	Position	Years with Co.	% Ownership	Last four 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 percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.**

Person's Name	Construction Firm	Dates of Person's Participation with Firm

**For Firms That Are Partnerships:**

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

Name	Position	Years with Co.	% Ownership	Last four Social Security #'s

\*last four numbers of Social Security is suitable.

- 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

**For Firms That Are 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Company	Dates of Person’s Participation with Company

**For Firms That Intend to Make a 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

**B. History of the Business and Organizational Performance**

2. How many years has your organization completed work for public agencies?  
Years: \_\_\_\_\_

3. Has your organization ever been licensed in California under a different name or different license number?

Yes  No

If “yes,” please list all name(s) and license number(s), on a separate signed page.

4. Are you currently prequalified with any other school district?

Yes  No

If yes, please identify the school district(s), with contact information and the dollar rating that you have been prequalified for at such school district(s), on a separate signed page.

5. 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.

6. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

**NOTE: Include information (including license number(s) about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes  No

If “yes,” explain on a separate signed page. Please include all name(s) and license number(s)

7. 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.

List your firm's gross revenues for each of the last three years:

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

8. How many years has your organization been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ Years

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

Yes  No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

10. If your firm is not currently in bankruptcy, was your firm in bankruptcy at any time during the last five years?

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.

In what type of construction do you specialize?: \_\_\_\_\_

What was the largest amount of work completed in one year: \_\_\_\_\_

Number of projects: \_\_\_\_\_ Year: \_\_\_\_\_ Amount of Largest Project: \_\_\_\_\_

**C. Licenses**

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

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

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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 owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes  No

If "yes," explain on a separate signed page, including the reason for the change.

13. 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.

#### **D. Surety and Bonding Information**

Bonding capacity: **Please provide a letter stating bondability from current surety company.** Also, please provide documentation from your surety (not agency) identifying the following: **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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

Name of surety agent/contact person, address and telephone number:

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14. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so.

**NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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*(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)*

List all other sureties, not agencies (name, contact person, full address, phone number, largest bond obtained) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds (If necessary, list on separate signed sheet) **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.:**

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15. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

*(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)*

16. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

17. Has your firm ever failed to complete a contract?

Yes     No

If “yes,” explain on a separate signed page.

How many projects is your firm currently bonded for? \_\_\_\_\_

What are the contract amounts your firm has currently bonded?

Contracts	Amount Bonded

**E. Insurance**

Insurance Company: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

18. How long have you been with this insurance company?

\_\_\_\_\_

If less than two years, please list prior insurance companies below:

Insurance Company	Address	Phone	Contact Person	Year(s)

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.

20. Has your organization ever had insurance terminated by a carrier in the past five (5) years due to an excessive claims history and/or nonpayment of premium?

If “yes,” explain on a separate signed sheet. Name the insurance carrier, the form of insurance, and year of termination.

**F. Safety Program & Workers’ Compensation**

Each bidder shall submit a copy of the Table of Contents from bidder’s established safety/injury prevention program which complies with the Contract Documents and all applicable governmental regulations. After determination of the successful bidder, its subcontractors must submit a copy of their respective safety/injury prevention programs within five (5) days of the District’s request.

Bidder: \_\_\_\_\_

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

By: \_\_\_\_\_

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

Each bidder shall submit its workers’ compensation experience modification factor. After determination of the successful bidder, its subcontractors must submit their workers compensation modification factor within five (5) days of District’s request.

21. List your firm’s Experience Modification Rate (EMR) (California Workers’ Compensation Insurance) for each of the past premium years:



Current Year: \_\_\_\_\_

Previous Year: \_\_\_\_\_

Year Prior to Previous Year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.25 or higher you may, if you wish, attach a letter of explanation.

22. 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.)

**G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

Each bidder, and its subcontractors, must declare any serious or willful violations of Part 1 (commencing with Section 6300) of Division 5 of the California Labor Code received during the last five years. This information must include all construction work undertaken in the United States by the bidder and any affiliate of the bidder. Separate information shall be submitted for each particular partnership, joint venture, corporation, Limited Liability Company or individual bidder or subcontractor. The bidder or its subcontractors may be requested to submit additional information or explanation of data, which District may require for evaluating the safety record. The term "affiliate" shall mean any firm, corporation, partnership, joint venture, limited liability company or association which is a member, joint venturer or partner of the bidder, or any such entity which owns a substantial interest in, or is owned in common with, the bidder, its subcontractor or any of its members, joint venturers or partners, or any such entity in which the bidder, its subcontractor, or any of their members, joint venturers or partners own a substantial interest.

23. Has your firm ever received a serious or willful safety violation during the last five (5) years?

Yes  No

If "yes," attach a separate signed page describing the violation, including information about the dates, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any.

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,” attach 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 the EPA or any Air Quality Management District or any Regional Water Quality Control Board or any local authorities cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years? **NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

Yes  No

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

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

\_\_\_\_\_

28. How often do you conduct documented safety inspections on a construction site?

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Quarterly \_\_\_\_\_

29. Does your firm currently have a safety plan which complies with the current OSHA standards?

Yes  No

30. Have any of your subcontractors you retained ever received a serious or willful industrial safety violation during the last five (5) years?

Yes  No

If “yes,” attach a separate signed page listing each subcontractor, its license number and provide a brief explanation.

#### H. 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 the District.

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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.

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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? **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)

**I. Disputes**

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

Yes     No

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

37. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? **NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

Yes     No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

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

Yes  No

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

\* \* \* \* \*

**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.**

39. In the past five years has any claim **against** your firm concerning your firm’s work on a construction project in California 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).

40. In the past five years has your firm made any claim against a project owner concerning work on a project in California or payment for a contract in California 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).

**J. Criminal Matters and Related Civil Suits**

41. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes  No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

42. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes  No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

43. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes  No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE**

**PART III. FINANCIAL INFORMATION**

Audited or reviewed statements are required for all construction projects totaling over \$1,000,000 or more (A certificate of a licensed accountant will be required in all cases).

**1. COMPLETE THIS CERTIFICATE FOR A REVIEW ONLY OF FINANCIAL STATEMENT**

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.

\_\_\_\_\_  
(Type Name of Firm)

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

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(License Number)

(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.)

**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE**

**PART IV. FINANCIAL INFORMATION**

Audited or reviewed statements are required for all construction projects totaling over \$1,000,000 or more (A certificate of a licensed accountant will be required in all cases)

**1. COMPLETE THIS CERTIFICATE FOR AN AUDIT OF FINANCIAL STATEMENT**

STATE OF: \_\_\_\_\_

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, in all material respects, the financial condition of  
\_\_\_\_\_ as of \_\_\_\_\_, in conformity with  
generally accepted accounting principles.

\_\_\_\_\_  
(Type Name of Firm)

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

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(License Number)

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 the statement; or by any individual who is a member of the firm with more than ten percent financial interest.



**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE**

**ACCOUNTANT'S RELEASE LETTER**

By signing the form below, I authorize the **Magnolia Educational & Research Foundation** to contact our company's licensed accounting firm to verify our most recent audited or reviewed financial statement. I understand the financial statement is confidential information and is not open to public inspection.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE**

**PREQUALIFICATION STATEMENT FOR**

**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION**

Each prospective bidder must have a current and active license at the time of the award and must submit the following information on this form.

**DECLARATION**

I, \_\_\_\_\_ (printed name) hereby declare that I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (name of bidder) submitting this Prequalification Statement; that I am duly authorized to execute this Prequalification Statement on behalf of the above-named company; and that all information set forth in this Prequalification Statement and all attachments hereto are, to the best of my knowledge, true, accurate, and complete as of its submission date. I acknowledge that any false statements, inaccuracies or failure to disclose are grounds for disqualification. In executing this Declaration, I hereby permit the **Magnolia Educational & Research Foundation** to contact any owner, school district, contractor, subcontractor, supplier or any other party that the **Magnolia Educational & Research Foundation** deems relevant for purposes of verifying or gathering any information necessary to complete the evaluation of this prequalification submittal.

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was

Subscribed at \_\_\_\_\_ (location and city), County of \_\_\_\_\_, State of \_\_\_\_\_, on \_\_\_\_\_ (date).

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

(If signed by other than the sole proprietor, a general partner, or corporate officer, attach original notarized power of attorney or corporate resolution.)

All information submitted for prequalification evaluation will be considered official information acquired in confidence and the District will maintain its confidentiality to the extent permitted by law.

**MAGNOLIA EDUCATIONAL & RESARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE SCORING**

**IMPORTANT INFORMATION: Please note: Declaration under penalty of perjury (last page of questionnaire) is required under State law. Failure to sign form will invalidate the prequalification packet. A passing score in general for prequalification does not guarantee that bidder will be eligible to bid this particular project. Contractors will receive a separate determination as to the overall prequalification dollar limit.**

**CONTACT INFORMATION**

Contractor \_\_\_\_\_  
(as it appears on license)

Check one of the following:

- Corporation
- Partnership
- Sole Proprietorship
- Joint Venture

Contact Person: \_\_\_\_\_

Address (City, State, Zip): \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Company Website: \_\_\_\_\_

Contractor's License Number(s) and Types (Please include expiration date):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax ID Number \_\_\_\_\_

If firm is a sole proprietor or partnership:

Owner(s) of Company \_\_\_\_\_

Company Union Status:      Union              Non-Union

Minority Status:      MBE              DBE              DVBE              SBE              DBE

Other Minority Certification: \_\_\_\_\_

**MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION PREQUALIFICATION  
QUESTIONNAIRE SCORING**

**PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

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

**To Contractors seeking prequalification as a subcontractor only: You must respond to all Part I questions, however your response to Part I, Question Number 5 will not be rated.**

**Contractor will be immediately disqualified if the answer to any of questions 7, 8, 9 or 10 is “yes.”<sup>2</sup> If the answer to question 9 is “yes,” and if debarment would be the sole reason for denial of prequalification, any prequalification 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
  
- 2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.  
 Yes     No    **(Please provide a current Certificate of Insurance as verification)**
  
- 3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 *et. seq.*  
 Yes     No     Contractor is exempt from this requirement, because it has no employees
  
- 4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.<sup>3</sup>  
 Yes     No

**NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the**

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<sup>1</sup> A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.  
<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 7, 8, or 10 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.  
<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1).” As of August 12, 2013, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million.

**required financial statement.**

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek prequalification if you are seeking prequalification for a single project; or (if you are seeking prequalification valid for a year) (b) your current available bonding capacity?<sup>4</sup>

Yes  No

**NOTE: Notarized statement must be from the surety company, not an agent or broker. Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

6. Are you currently registered with the Department of Industrial Relations in accordance with Labor Code section 1725.5?

Yes  No

If yes, what is your registration number \_\_\_\_\_.

Please submit proof of registration.

7. Has your contractor's license been revoked at any time in the last five years, even if such revocation was stayed at any time?

Yes  No

8. 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

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

Yes  No

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

\_\_\_\_\_

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<sup>4</sup> An additional notarized statement from the surety may be requested by **Magnolia Educational & Research Foundation** at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid

10. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes     No

<b>MAGNOLIA EDUCATIONAL &amp; RESEARCH FOUNDATION PREQUALIFICATION QUESTIONNAIRE SCORING</b>
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**PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE,  
COMPLIANCE WITH CIVIL AND CRIMINAL LAWS**

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

**For Firms That Are Corporations:**

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

Name	Position	Years with Co.	% Ownership	Last four 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 percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

**For Firms That Are Partnerships:**

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

Name	Position	Years with Co.	% Ownership	Last four Social Security #'s

\*last four numbers of Social Security is suitable.

- 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Company	Dates of Person’s Participation with Company

**For Firms That Are Sole Proprietorships:**

- 1a. Date of commencement of business. \_\_\_\_\_
- 1b. Social security number of company owner. \_\_\_\_\_
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years. **NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Company	Dates of Person’s Participation with Company

**For Firms That Intend to Make a 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



**B. History of the Business and Organizational Performance**

2. How many years has your organization completed work for public agencies? Years: \_\_\_\_\_

**6 or more years=5**

**5 years=4**

**4 years=3**

**3 years=2**

**1 full year =1**

3. Has your organization ever been licensed in California under a different name or different license number?

Yes  No

If "yes," please list all name(s) and license number(s), on a separate signed page.

**No=3; Yes= (Adjustment to 2 if reason for different name or different license number is a because of a legal merger.)**

4. Are you currently prequalified with any other school district?

Yes  No

If yes, please identify the school district(s), with contact information and the dollar rating that you have been prequalified for at such school district(s), on a separate signed page.

**No=0; Yes=3**

5. 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.

**No=3; Yes=0**

6. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

**NOTE: Include information (including license number(s)) about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes  No

If "yes," explain on a separate signed page. Please include all name(s) and license number(s)

**No=3; Yes=0 (Adjustment to 2 if reason firm is a subsidiary, parent, holding company or affiliate of another construction firm is because of a legal merger.)**

7. 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.

**No=3; Yes =0 (Adjustment to 2 if the name of other construction firms corporate officers, partners or owners are connected to, are connected to current applicant firm by way of legal merger.)**

List your firm’s gross revenues for each of the last three years:

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

Year: \_\_\_\_\_ \$ \_\_\_\_\_

8. How many years has your organization been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ Years

**6 or more years=5**

**5 years=4**

**4 years=3**

**2-3 years=2**

**1 full year=1**

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

Yes     No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

**No=3; Yes=0**

10. If your firm is not currently in bankruptcy, was your firm in bankruptcy at any time during the last five years?

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.

In what type of construction do you specialize?: \_\_\_\_\_

**No=3; Yes=0**

What was the largest amount of work completed in one year: \_\_\_\_\_

Number of projects: \_\_\_\_\_ Year: \_\_\_\_\_ Amount of Largest Project: \_\_\_\_\_

**C. Licenses**

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

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

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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.

**No=3; Yes=0 (Adjustment to 2 if reason for changed name or license number because of a legal merger)**

12. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes  No

If "yes," explain on a separate signed page, including the reason for the change.

**No=3; Yes =0 (Adjustment to 2 if name of other firm operated by any owner, partner or (for corporations) officer was or is a firm that legally merged with current applicant firm.)**

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

Yes  No

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

No=5; Yes=0

**D. Surety and Bonding Information**

Bonding capacity: **Please provide a letter stating bondability from current surety company.** Also, please provide documentation from your surety (not agency) identifying the following: **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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

Name of surety agent/contact person, address and telephone number:

\_\_\_\_\_

14. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so. **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

\_\_\_\_\_

No=5  
Over 1% but not over 1.25%=4  
Over 1.25% but not over 1.5%=3  
Over 1.5%=0

*(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)*

List all other sureties, not agencies (name, contact person, full address, phone number, largest bond obtained) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds (If necessary, list on separate signed sheet) **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 
15. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

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.

**No=5; Yes=0**

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

16. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

Yes  No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

**No=5**

**Yes (1 claim)=5**

**Yes (2 claims)=3**

**Yes (more than 2 claims)=SUBTRACT 5 points**

***(NOTE: Contractors seeking prequalification as a subcontractor only: Response will not be rated.)***

17. Has your firm ever failed to complete a contract?

Yes  No

If "yes," explain on a separate signed page.

**No=3; Yes=0**

How many projects is your firm currently bonded for? \_\_\_\_\_

What are the contract amounts your firm has currently bonded?

Contracts	Amount Bonded

**E. Insurance**

Insurance Company:

\_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

18. How long have you been with this insurance company?

\_\_\_\_\_

**5 or more years=3**

**2 to 4 years=1**

**1 year or less=0**

If less than two years, please list prior insurance companies below:

Insurance Company	Address	Phone	Contact Person	Year(s)

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.

**No=5**

**Yes (1 instance)=5**

**Yes (2 instances)=3**

**Yes (more than 2 instances)=0**

20. Has your organization ever had insurance terminated by a carrier in the past five (5) years due to an excessive claims history and/or nonpayment of premium?

If “yes,” explain on a separate signed sheet. Name the insurance carrier, the form of insurance, and year of termination.

**No=3; Yes=0**

**F. Safety Program & Workers’ Compensation**

Each bidder shall submit a copy of the Table of Contents from bidder’s established safety/injury prevention program which complies with the Contract Documents and all applicable governmental regulations. After determination of the successful bidder, its subcontractors must submit a copy of their respective safety/injury prevention programs within five (5) days of the District’s request.

Bidder: \_\_\_\_\_

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

By: \_\_\_\_\_

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

Each bidder shall submit its workers’ compensation experience modification factor. After determination of the successful bidder, its subcontractors must submit their workers compensation modification factor within five (5) days of District’s request.

21. List your firm's Experience Modification Rate (EMR) (California Workers' Compensation Insurance) for each of the past premium years:

Current Year: \_\_\_\_\_

Previous Year: \_\_\_\_\_

Year Prior to Previous Year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.25 or higher you may, if you wish, attach a letter of explanation.

**3 year average EMR of .95 or less=5 points**

**3 year average EMR of over .95 but no more than 1.0=3 points**

**Over 1.0=0**

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

Yes  No

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

**No=5**

**Yes (1 instance)=5**

**Any other answer=0**

**G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

Each bidder, and its subcontractors, must declare any serious or willful violations of Part 1 (commencing with Section 6300) of Division 5 of the California Labor Code received during the last five years. This information must include all construction work undertaken in the United States by the bidder and any affiliate of the bidder. Separate information shall be submitted for each particular partnership, joint venture, corporation, Limited Liability Company or individual bidder or subcontractor. The bidder or its subcontractors may be requested to submit additional information or explanation of data, which District may require for evaluating the safety record. The term "affiliate" shall mean any firm, corporation, partnership, joint venture, limited liability company or association which is a member, joint venturer or partner of the bidder, or any such entity which owns a substantial interest in, or is owned in common with, the bidder, its subcontractor or any of its members, joint venturers or partners, or any such entity in which the



bidder, its subcontractor, or any of their members, joint venturers or partners own a substantial interest.

23. Has your firm ever received a serious or willful safety violation during the last five (5) years?

Yes  No

If “yes,” attach a separate signed page describing the violation, including information about the dates, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any.

**No=3**

**Yes=1**

**Yes=0 (more than 1 occasion)**

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,” attach 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.

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

**No=5**

**Yes = (1 instance)=5**

**Yes = (2 instance)=3**

**Yes=(more than 2 instances)=0**

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

**No =5**

**Yes (1,2, or 3 such instances)=5**

**Yes (4 or 5 such instances)=3**

**Yes (more than 5 instances)=0**

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.

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

No=5

Yes=(1 instance)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

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

No=5

Yes (1, 2, or 3 such instances)=5

Yes (4 or 5 such instances)=3

Yes (more than 5 instances)=0

26. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board or any local authorities cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years? **NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

Yes     No

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

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

No=5

Yes= (1 instance)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

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

No=5

**Yes (1, 2, or 3 such instances)=5**  
**Yes (4 or 5 such instances)=3**  
**Yes (more than 5 instances)=0**

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

\_\_\_\_\_

**Meeting once a week or more=3**  
**Any other=0**

28. How often do you conduct documented safety inspections on a construction site?

Daily \_\_\_\_\_ Weekly \_\_\_\_\_ Quarterly \_\_\_\_\_

**Meeting daily=3**  
**Meeting weekly=1**  
**Any other=0**

29. Does your firm currently have a safety plan which complies with the current OSHA standards?

Yes  No

**Yes=3; No=0**

30. Have any of your subcontractors you retained ever received a serious or willful industrial safety violation during the last five (5) years?

Yes  No

If “yes,” attach a separate signed page listing each subcontractor, its license number and provide a brief explanation.

**No=3; Yes=1 (1 occasion); Yes=0 (more than 1 occasion)**

#### **H. 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.

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

No=5  
Yes (1 or 2 such instances)=5  
Yes (3 instances)=3  
Yes (more than 3 instances)=0

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

No=5  
Yes (no more than 4 instances)=5  
Yes (5 or 6 instances)=3  
Yes (more than 6 instances)=0

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.

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

No=5  
Yes (1 or 2 such instances)=5  
Yes (3 instances)=3  
Yes (more than 3 instances)=0

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

No=5  
Yes (no more than 4 instances)=5  
Yes (5 or 6 instances)=3  
No=5; Yes (1 or 2 such instances)=5; Yes (3 instances)=3  
Yes (more than 3 instances)=0

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 the District.

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**If at least one approved apprenticeship program listed=5 points**  
**Any other answer=0**

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.

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**If one or more persons completed an approved apprenticeship program while employed by the firm=5 points;**  
**If no persons completed an approved apprenticeship while employed by the firm=0 points**

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? **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 the firm's average gross revenues for the last three years were less than \$50 million, scoring is as follows:*

**No=5**

**Yes (1 or 2 such instances)=5**

**Yes (3 instances)=3**

**Yes (more than 3 instances)=0**

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

**No =5**

**Yes (no more than 4 such instances)=5**

**Yes (5 or 6 such instances)=3**

**Yes (more than 6 instances)=0**

## **I. Disputes**

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

Yes     No

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

**No projects with liquidated damages of more than \$50,000=5 points**

**One project with liquidated damages=5 points**

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

**Any other answer=0 points**

37. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? **NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

Yes     No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

**No=5; Yes=0**

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

Yes  No

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

No=5; Yes=0

\* \* \* \* \*

**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.**

39. In the past five years has any claim **against** your firm concerning your firm’s work on a construction project in California 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).

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

No=5

Yes (1 such instances)=5

Yes (2 instances)=3

Yes (more than 2 instances)=0

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

No=5

Yes (1, 2, or 3 such instances)=5

Yes (4 or 5 such instances)=3

Yes (more than 5 instances)=0

40. In the past five years has your firm made any claim against a project owner concerning work on a project in California or payment for a contract in California 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).

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

**No=5**

**Yes (1 such instance)=5**

**Yes (2 instances)=3**

**Yes (more than 2 instances)=0**

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

**No=5**

**Yes (1, 2, or 3 such instances)=5**

**Yes (4, or 5 such instances)=3**

**Yes (more than 5 instances)=0**

**J. Criminal Matters and Related Civil Suits**

41. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes    No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

**No=5; Yes=SUBTRACT 5 points**

42. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes    No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

**No=5; Yes=SUBTRACT 5 points**



43. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes    No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

**No=5; Yes=SUBTRACT 5 points**