



Application for Contractor Prequalification

PROJECT: ORANGE COAST COLLEGE, INTERDISCIPLINARY COMPLEX

BID NUMBER: 2020

BID DATE: July 2, 2013

PREQUALIFICATION DUE DATE: May 24, 2013 PRIOR TO 11:00 A.M.

PREQUALIFICATION PROCESS

As a condition of bidding, prospective bidders are required to submit to the District a completed prequalification package as specified in the "Submission of Completed Statements" section below. This application and all attachments incorporated by reference therein are not public record and are not open to public inspection.

Only prospective bidders meeting the "Minimum Criteria for Prequalification", as set forth in the following Application for Contractor Prequalification, will be eligible to submit a bid proposal for the above listed project. Contractor prequalification status will be verified upon submission of bid proposals. Only sealed bids received from prequalified bidders shall be opened and publically read aloud.

The DISTRICT reserves the right to reject any or all prequalification applications or to waive any irregularities or informalities in any application or the prequalification process. Furthermore, the designation of a contractor as "prequalified" does not in any way waive or reduce the requirements established for the submission of a bid proposal. The DISTRICT will evaluate all bid proposals for completeness and accuracy.

SUBMISSION OF COMPLETED STATEMENTS

Prequalification applications and supporting documents must be submitted by the due date contained in the Notice to Contractors for Pre-Qualification Statements. By submitting a prequalification application, prospective bidders agree that the DISTRICT, in determining a contractor's eligibility for bidding, may consider the bidder's experience, performance under other contracts, financial condition, and other factors which could affect the bidder's performance on the Project.

Completed Statements should be marked **Confidential** and mailed or hand delivered **prior** to the date and time listed above to:

Coast Community College District
1370 Adams Avenue
Costa Mesa, California 92626
Attention: John Eriksen
Director of Purchasing

A complete submission will be comprised of (1) fully completed, signed, printed hard copy containing the following:

1. Part I: Contractor Declaration;
2. Part II: Prequalification Questionnaire (Essential Requirements and Rated Questions);
3. Part III: Experience and References;
4. Part IV: Most recent one (1) year of audited/reviewed financials and Certificate of Accountant;
5. Affidavit of Contractor;
6. Certificate of Insurance;
7. Verification of Workers' Compensation Insurance;
8. Surety Letter;
9. Explanations (as appropriate).

Prospective bidders must furnish all of the above listed items and is solely responsible for ensuring the completeness and accuracy of all information. Failure to comply with this requirement may cause rejection of your application as being non-responsive. Each Pre-Qualification Statement must be signed under penalty of perjury in the manner designated on the "Affidavit of Contractor" by an individual who has the legal authority to bind the Contractor.

MINIMUM CRITERIA FOR PREQUALIFICATION

In order to Pre-qualify to bid on the Project, a Contractor must meet the minimum criteria for each of the following four (4) categories as set forth herein:

1. Meet all "Essential Requirements" for prequalification;
2. Meet or exceed a score of 85 points on the rated questionnaire;
3. Demonstrate through reference the minimum required experience on projects of similar size, scope, and complexity;
4. Demonstrate the financial capacity to perform this project evidenced by contractor's financial statements.

Any false statements, inaccuracies, omissions or failures to disclose are grounds for exclusion from bidding. If the DISTRICT should discover false statements, inaccuracies, omissions, or failures to disclose by submitters at any time, the submitter will be notified of dis-qualification and the inaccuracy which has been discovered.

NOTIFICATION OF PREQUALIFICATION RESULTS

Contractors will be notified by mail or via electronic mail (email) of their prequalification within ten (10) business days of submission of their prequalification documents. If the Contractor is rated as "Qualified," for this Project, it will be eligible to submit a bid proposal on the Project, pursuant to all requirements and conditions of bidding. Any contractor determined to be non-responsive or not qualified will not be eligible to re-submit a prequalification application for the above listed project.

If the Contractor chooses to challenge a disqualification, the Contractor shall provide a written request within two (2) working days after notification. The District shall establish a committee to review the facts and reconsider the dis-qualification. This committee shall render a final and binding decision within five (5) working days of appeal.

PART I. CONTRACTOR DECLARATION

Bid Package Prequalifying For (if multiple, in order of preference/priority): _____

Contractor (as name appears on license): _____

Address: _____

Phone: _____ FAX: _____

Email: _____

California Contractors License:

License No(s): _____ Primary License class: _____ Expiration Date: _____

Type of Firm: (check one) Individual ___ Corporation ___ Partnership ___ Other
(specify) _____

Tax I.D. No.: _____ Date Business Formed: _____

Date Incorporated (if applicable): _____ State of Incorporation: _____

| OWNERS, OFFICERS, AND PRINCIPALS (Including RMO/RME) | | | |
|---|------------------------|-----------------|-----------------------|
| <i>Name</i> | <i>Years with Firm</i> | <i>Position</i> | <i>% of Ownership</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

If yes to any of the below listed questions, explain on a separate signed page.

Have the firm’s owners, officers, and/or principals (including the RMO/RME) ever been licensed under a different name or license number? Yes _____ No _____

Have officers or principals of firm ever had their Contractor’s licenses suspended or revoked? Yes _____ No _____

Has there been any change in the control of the firm in the last five years? Yes _____ No _____

Are any of the firm’s owners, officers, and/or principals connected with Any other companies as a subsidiary, parent, or affiliate? Yes _____ No _____

PART II. PREQUALIFICATION QUESTIONNAIRE

Section 1A: Essential Requirements

Contractor is disqualified if the answer to any of questions 1 through 7 in this section is “No” or the answer to any of questions 8 through 13 in this section is “Yes.”

1. Contractor possesses a valid and current California Contractor’s license for the Project.
 Yes No

2. Contractor has attached verification of a 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.

3. Contractor has attached the latest copy of a complete audited or reviewed set of financial statements with accompanying notes and supplemental information. (A Compilation or income tax return is acceptable for maximum contract awards of \$500,000.) (A District Consultant or representative will be reviewing this statement)
 Yes No

4. Contractor has attached a letter from an admitted surety insurer (approved by the California Department of Insurance, NOT by your agent or broker) authorized to issue bonds in the State of California, which states that the contractor has a current available bonding capacity to cover this project?
 Yes No

5. Contractor has established, implemented, and maintains an effective Injury & Illness Prevention Program (IIPP), pursuant to 8CCR Section 3203. The District will require all contractors to provide a copy prior to commencing construction.
 Yes No

6. Contractor meets the minimum experience requirements as set forth in Part III, Sections A & B?
 Yes No

7. Contractor has an Experience Modification Rate (EMR) (California workers' compensation insurance) average for the past three premium years of 1.25 or less?

_____ Yes _____ No

List your firm's Experience Modification Rate (EMR) (California's workers' compensation insurance) for each of the past three premium years: (Note: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier).

Current Year: _____

Previous Year: _____

Year prior to previous year: _____

8. Have you defaulted on a contract that caused a surety to suffer a loss on either a performance or payment bond in the past five (5) years?

_____ Yes _____ No

9. Have you failed to complete one or more contracts in the past ten (10) years?

_____ Yes _____ No

10. Have you declared bankruptcy or been placed in receivership within the past five (5) years?

_____ Yes _____ No

11. Has your firm or any owner, officer or principal (including Responsible Managing Officer/Responsible Managing Employee) of your firm ever been found guilty of violating any federal, state or local law, rule or regulation regarding a construction contract?

_____ Yes _____ No

12. Has there been any occasion in the last five(5) years in which your firm was required to pay either back wages or penalties for failure to comply with California'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

13. Has the Occupational Safety and Health Administration (OSHA or 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

Section 1B: Rated Questions

Contractor must receive a minimum of 85 points out of a possible 110 points in this section, or is disqualified.

1. How many years' experience in public works construction has your firm had?

_____ years

10 + years - 10 points
5 to 10 years - 7 points
2 to 5 years - 3 points
0 to 2 years - 0 points

2. How many years' experience in California higher education construction has your firm had?

_____ years

10 + years - 10 points
5 to 10 years - 7 points
2 to 5 years - 3 points
0 to 2 years - 0 points

3. How many years' experience as a prime contractor has your firm had?

_____ years

10 + years - 10 points
5 to 10 years - 7 points
2 to 5 years - 3 points
0 to 2 years - 0 points

4. Is your business entity, as evident by the Contractors State License Board, located within the Coast Community College District service area (Costa Mesa, Fountain Valley, Garden Grove, Huntington Beach, Midway City, Newport Beach, Seal Beach, Sunset Beach, Westminster)?

_____ Yes _____ No

Yes - 5 points

No - 0 points

5. What percentage of Orange County residents do you intend to employ in the completion of construction activities?

_____ percent

Greater than 30% - 5 points

15% to 30% - 3 points

Less than 15% - 0 points

If Yes to any of the below listed questions, explain on a separate signed page.

4. Has a claim or other demand been made against your firm's California Contractors License Bond in the last ten (10) years?

_____ Yes _____ No

No - 5 points

Yes - 0 points

5. Has a complaint been filed against your firm's California Contractors License with the California Contractors State License Board in the last ten (10) years? _____ Yes _____ No

No - 5 points

Yes - 0 points

6. Has your firm been unable to obtain a bond or been denied a bond for a contract in the last five (5) years? _____ Yes _____ No

No - 5 points

Yes - 0 points

7. In the last ten (10) years, has your firm failed to complete a construction contract within the authorized contract time? _____ Yes _____ No

No - 5 points

Yes - 0 points

8. In the last ten (10) years, has your firm been declared in default of a construction contract?

_____ Yes _____ No

No - 5 points

Yes - 0 points

9. In the last ten (10) years, has your firm been assessed for liquidated damages under a construction contract with either a public or private owner?

_____ Yes _____ No

No - 5 points

Yes - 0 points

10. Has any claim against your firm concerning work on a construction project ever been filed in court or submitted to arbitration or mediation by either a public or private owner within the past 10 years?

_____ Yes _____ No. If yes, on how many occasions? _____

No occasions - 10 points

1 or 2 occasions - 5 points

More than 2 occasions - 0 points

11. Has your firm ever made any claim against a public or private owner concerning work or payment on a construction project and filed that claim in court or submitted the claim to arbitration or mediation within the past 10 years?

_____ Yes _____ No. If yes, on how many occasions? _____

No occasions - 10 points

1 or 2 occasions - 5 points

More than 2 occasions - 0 points

12. In the last ten (10) years, has any surety made any payments on your firm's behalf to satisfy any claims made against a payment or performance bond issued on your firm's behalf in connection with a public or private construction project?

_____ Yes _____ No. If yes, on how many occasions? _____

No occasions - 10 points

1 occasion - 5 points

More than 1 occasion - 0 points

13. Have you (bidder) ever brought any claim(s) against a public agency?

_____ Yes _____ No.

No - 5 points

Yes - 0 points

14. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor in the past five years? (Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.)

_____ Yes _____ No

No - 5 points

Yes - 0 points

PART III. EXPERIENCE & REFERENCES

Section A: List references for at least two (2) public school/community college contracts of similar size, scope, and complexity completed within the past five years pursuant to California Public Works Law. Referenced projects must have a minimum contract value of 80% of the engineer’s estimate for this project.

| Project 1: | |
|--|----------------------|
| Name of Project: | |
| Project Description: | |
| | |
| | |
| Owner/Contact Person: | |
| Contact Number: | |
| Start Date: | Completion Date: |
| Contract Value: | Change Order Amount: |
| Disputed Contract (Yes/No)? <i>If yes, please explain on a separate signed page:</i> | |

| Project 2: | |
|--|----------------------|
| Name of Project: | |
| Project Description: | |
| | |
| | |
| Owner/Contact Person: | |
| Contact Number: | |
| Start Date: | Completion Date: |
| Contract Value: | Change Order Amount: |
| Disputed Contract (Yes/No)? <i>If yes, please explain on a separate signed page:</i> | |

| Project 3: | |
|--|----------------------|
| Name of Project: | |
| Project Description: | |
| | |
| | |
| Owner/Contact Person: | |
| Contact Number: | |
| Start Date: | Completion Date: |
| Contract Value: | Change Order Amount: |
| Disputed Contract (Yes/No)? <i>If yes, please explain on a separate signed page:</i> | |

| Project 4: | |
|--|----------------------|
| Name of Project: | |
| Project Description: | |
| | |
| | |
| Owner/Contact Person: | |
| Contact Number: | |
| Start Date: | Completion Date: |
| Contract Value: | Change Order Amount: |
| Disputed Contract (Yes/No)? <i>If yes, please explain on a separate signed page:</i> | |

| Project 5: | |
|--|----------------------|
| Name of Project: | |
| Project Description: | |
| | |
| | |
| Owner/Contact Person: | |
| Contact Number: | |
| Start Date: | Completion Date: |
| Contract Value: | Change Order Amount: |
| Disputed Contract (Yes/No)? <i>If yes, please explain on a separate signed page:</i> | |

Section B: List references for at least two (2) Architects and/or Engineers with whom you have worked on projects of similar size, scope, and complexity in the past five years.

| Project 1: |
|---|
| Name of Project: |
| Type of Construction/Project Description: |
| |
| |
| Architect: |
| Contact Number: |
| Project Completed on Time (Yes/No)? <i>If no, please explain on a separate signed page:</i> |
| Project Completed on Budget (Yes/No)? <i>If no, please explain on a separate signed page:</i> |

| Project 2: |
|---|
| Name of Project: |
| Type of Construction/Project Description: |
| |
| |
| Architect: |
| Contact Number: |
| Project Completed on Time (Yes/No)? <i>If no, please explain on a separate signed page:</i> |
| Project Completed on Budget (Yes/No)? <i>If no, please explain on a separate signed page:</i> |

| Project 3: |
|---|
| Name of Project: |
| Type of Construction/Project Description: |
| |
| |
| Architect: |
| Contact Number: |
| Project Completed on Time (Yes/No)? <i>If no, please explain on a separate signed page:</i> |
| Project Completed on Budget (Yes/No)? <i>If no, please explain on a separate signed page:</i> |

Section C: List references for at least two (2) Division of State Architects (DSA) Inspectors with whom you have completed and certified projects of similar size, scope, and complexity in the past five years. If your bid package includes DSA deferred approval scope (Elevator, Fire Sprinkler, Curtainwall/Skylights), the projects listed in this section must include projects in which you were responsible for DSA deferred approvals.

| | |
|---|---------------------------------|
| Project 1: | |
| Name of Project: | |
| Project Owner: | County, State Completed: |
| Type of Construction/Project Description: | |
| | |
| | |
| DSA Inspector: | |
| Contact Number: | |
| Notice of Completion Date: | DSA Project Certification Date: |

| | |
|---|---------------------------------|
| Project 2: | |
| Name of Project: | |
| Project Owner: | County, State Completed: |
| Type of Construction/Project Description: | |
| | |
| | |
| DSA Inspector: | |
| Contact Number: | |
| Notice of Completion Date: | DSA Project Certification Date: |

| | |
|---|---------------------------------|
| Project 3: | |
| Name of Project: | |
| Project Owner: | County, State Completed: |
| Type of Construction/Project Description: | |
| | |
| | |
| DSA Inspector: | |
| Contact Number: | |
| Notice of Completion Date: | DSA Project Certification Date: |

Section D: List the present and all prior Sureties whom have provided a bond to your firm in the last five (5) years.

| SURETY HISTORY | | |
|------------------------------|---------------------------------|---------------------|
| Company & Address | Contact Name & Phone | Largest Bond |
| | | |
| | | |
| | | |
| | | |
| | | |

Single Project Bond Limit: _____

Aggregate Bond Capacity: _____

Total Value of Work in Progress: _____

Current Bond Rating _____

PART IV : FINANCIAL RATING

Financial statements will be reviewed by an independent analyst who will render a recommendation as to the maximum contract amount. The District reserves the right to utilize all available sources in the determination of this recommendation.

Prospective bidders must meet the engineer's estimate, of the trade package for which it is applying, when evaluating the lesser of:

- Five times working capital (current assets minus current liabilities), OR
- Net worth (assets less liabilities, plus available letter of credit confirmed by bank letter), OR
- Annual Revenue times 30%

Inability to meet this requirement will disqualify a contractor from bidding on that trade package.

Prospective bidders shall provide the each of the documents listed below in order to be deemed financially qualified to bid this project. Failure to complete and/or provide the information requested may result in disqualification.

A. Audited/Reviewed Financial Statements

Prospective Bidder must submit the most recent one (1) year of independently audited/reviewed financials including balance sheet, income statement, statement of cash flows and notes to the financials. (A compilation or income tax return will only be accepted for maximum \$500,000 contract award.)

B. Certificate of Accountant

The certificate of an accountant licensed by the State of California will be required in all cases. A suggested form of a certificate for both an audit and a review is attached, (Attachment 1). The accountant may submit a certificate in his/her own words provided it does not include qualifications too extensive as to nullify the value of the statement or its usefulness to the District.

C. General Letter of Credit (optional)

A Letter of Credit may be included in determining the working capital (current assets) of the contractor for the purposes of prequalification with the District. A suggested letter format is attached (Attachment 2). Banks may issue a Letter of Credit on its own letterhead, provided that the letter contains the same provisions, is addressed to the Coast Community College District, and bears an original signature.

AFFIDAVIT OF CONTRACTOR

The submitter of the foregoing answers and statements of experience and financial condition has read the same and the matters stated therein are true of his or her own knowledge. The statement is for the purpose of inducing the District to supply the submitter with plans and specifications and any depository, vendor, or other agency named therein is hereby authorized to supply the District with any information necessary to verify the statement. Should the foregoing statement at any time cease to properly and truly represent the submitter in any substantial respect, the submitter will refrain from further bidding on the applicable scope of work.

Attached is a certified copy of the minutes of the corporation indicating that the person whose signature appears below has authority to bind the corporation. For other types of organization, provide evidence in a form and substance acceptable to the District (such as a Power of attorney) that the person whose signature appears below has authority to bind the contractor.

AFFIDAVIT OF AN INDIVIDUAL FOR A SOLE PROPRIETORSHIP:

I, _____, an individual,
doing business as _____
hereby declare, by signing this affidavit, the foregoing statements to be true and correct and are made under penalty of perjury under the laws of the State of California.

PARTNERSHIP AFFADAVIT:

I, _____,
a partner of _____
hereby declare, by signing this affidavit, the foregoing statements to be true and correct and are made under penalty of perjury under the laws of the State of California.

CORPORATE AFFADAVIT:

I, _____, the

(Title of Corporate Officer) of _____
(Full Corporate Name)
hereby declare, by signing this affidavit, the foregoing statements to be true and correct and are made under penalty of perjury under the laws of the State of California.

Executed this _____ Day of _____, 2011,

City of _____, County of _____,

State of _____.

Signature of Applicant _____

ATTACHMENT 1A: CERTIFICATE OF ACCOUNTANT

FOR AN AUDIT OF A FINANCIAL STATEMENT COMPLETE THIS CERTIFICATE

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 the financial condition of _____ as of _____, in conformity with generally accepted accounting principles.

(Print Name of Firm) (Accountant must sign here)

(Telephone No.) (License No.)

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; nor by any individual who is a member of the firm with more than a 10 percent financial interest.

ATTACHMENT 1B: CERTIFICATE OF ACCOUNTANT

FOR A REVIEW OF A FINANCIAL STATEMENT COMPLETE THIS CERTIFICATE

I (we) have reviewed the accompanying financial statement of _____ as of _____. The information included in the financial statement is the representation of the management of the above firm.

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

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.

(Print Name of Firm) (Accountant must sign here)

(Telephone No.) (License No.)

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; nor by any individual who is a member of the firm with more than a 10 percent financial interest.

ATTACHMENT 2: GENERAL LETTER OF CREDIT

TO: Coast Community College District
1370 Adams Avenue
Costa Mesa, CA 92626

ATTN: Facilities Planning

SUBJECT: **GENERAL LETTER OF CREDIT**

Reference is made to the prequalification of _____ (Name of Contractor).

Under the direction of the Board of Trustees pertaining to the construction, alteration and maintenance of Coast Community College District Facilities, we certify that the above Contractor has been extended an unqualified line of credit not to exceed \$_____, and that such credit will not be withdrawn or reduced without 30 days written notice to the District.

It is understood that this letter of credit is to be used by the District solely for determining the financial resources of the said Contractor during the term of his prequalification with the District.

(Name of Bank) Bank No. Code _____

(Address)

(City)

By: _____

(Please type or print name & title)