

**REQUEST FOR PREQUALIFICATION**  
**EAST BAY COMMUNITY ENERGY AUTHORITY TENANT**  
**IMPROVEMENT PROJECT**

01/20/2023



EAST BAY COMMUNITY ENERGY AUTHORITY  
1999 Harrison St., Suite 800  
Oakland, CA 94612

## **PROJECT INFORMATION AND REQUEST FOR PREQUALIFICATION (“RFP”) INSTRUCTIONS**

### **1. NOTICE OF PREQUALIFICATION**

The East Bay Community Energy Authority, (“**EBCE**”), seeks to prequalify a pool of qualified General Contractors (“Contractor(s)” or “Firm(s)”) from which to solicit bids for the renovation of an existing building that will become the new East Bay Community Energy Authority Headquarters (“**Project**”). EBCE has determined that all general contractors bidding the Project must be pre-qualified prior to submitting a bid on the Project. EBCE will determine which Contractors are eligible to bid on the Project through this Request for Prequalification (“**RFP**”) process. Contractors interested in bidding this Project must fully and properly complete the prequalification questionnaire and provide all materials requested. If the prequalification questionnaire is not completed properly, or if all requested materials are not provided, EBCE may disqualify the Firm.

If two or more business entities submit a bid as part of a Joint Venture or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

In responding to this RFP, all Contractors are required to adhere to all EBCE requirements provided herein. All Contractors must hold a valid type B general contractor license from the State of California.

### **2. PROJECT OVERVIEW**

The Project is located, at 251 8th Street in Oakland, California, 94607. The Project will provide administrative facilities that will allow efficient operations for EBCE and accommodate future growth.

EBCE is a local public electricity provider that sources clean energy from renewable resources—geothermal, water, wind, solar, and biomass—and delivers power to residents and businesses throughout the East Bay Area. EBCE delivers services that enhance quality of life through competitive pricing, improved air quality, and energy efficiency. By changing the way residents source energy, EBCE is able to deliver customer programs that make a difference in everyone’s life.

Powered by innovative thinking, EBCE was formed to provide a choice beyond for-profit, investor-owned utilities (in our case, PG&E). Today EBCE is a model for community choice programs throughout California. By providing higher percentages of renewable energy that reduce greenhouse gas emissions, EBCE customers are helping solve the climate crisis at a local level.

EBCE’s goal is to provide a headquarters for EBCE that maintains a healthy workplace while showcasing energy efficiency and fuel switching in the built environment.

The Project will renovate a 15,000+/- sf commercial office building in downtown Oakland that was originally constructed in the 1920’s. The building will serve as EBCE’s headquarters and include a showcase of zero-carbon technologies, including heat pumps, a solar photovoltaic system, induction cooktops, and advanced efficiency measures such as integrated LED daylighting controls.

EBCE currently has Window Replacement Project submitted to the City of Oakland that is intended to begin construction in March 2023. This project will be included in the Contract Bid Documents, in more

detail, as Supplementary Conditions – Owner Work Under Separate Contract. Due to extraordinarily long lead times, coordination between the two projects may be necessary.

Prequalified Contractors will be eligible to submit a bid as early as March 2023. Construction is expected to commence by April 2023 and substantial completion of the Project is estimated to occur by September 2023. The engineer’s estimate of probable construction costs of this Project is approximately \$5.7 million, and the estimated construction duration is 6 months. All estimated costs, dates and durations are subject to change.

### **Request for Prequalification Timeline & Estimated Project Schedule**

<b>EVENT</b>	<b>DEADLINE</b>
Request for Prequalification (“RFP”) Published	5pm PST 01/20/2023
Deadline for questions to be submitted	4pm PST 02/03/2023
Responses to questions to be posted on EBCE website	5pm PST 02/07/2023
RFP Submittal due	5pm PST 02/10/2023
Estimated Construction Commencement	04/01/2023
Estimated Target Date for EBCE Headquarters Opening	10/01/2023

Pursuant to Labor Code sections 1720 and 1771, the work under the agreement is subject to the payment of prevailing wages and will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations (“DIR”). Each Contractor submitting a Prequalification Package must be a DIR-registered contractor pursuant to Labor Code section 1725.5. A Prequalification Package from a Contractor that is not already a DIR-registered contractor may be rejected for non-responsiveness.

### **3. PREQUALIFICATION PROCESS**

#### **A. Prequalification Submittal Overview**

Each prospective Contractor must answer all of the questions on the attached prequalification questionnaire and provide all requested information and/or documents. Answers to questions contained in the attached questionnaire, including information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information are required. Any prospective Firm failing to do so may be deemed by EBCE to be non-responsive and eliminated by EBCE from consideration.

EBCE will use the information contained in the prequalification questionnaire as the basis for rating Contractors to determine those Firms that will be pre-qualified to submit a bid proposal. EBCE reserves the right to check Contractor experience and capabilities from other available sources. EBCE’s decision will be based on objective evaluation criteria and all selections will be at the sole discretion of EBCE.

The prequalification questionnaire and requested documentation will be used solely to assist EBCE in determining bidder qualifications. However, the prequalification process will not preclude EBCE from

any post-bid considerations or determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and/or has demonstrated the requisite trustworthiness.

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

The Prequalification Packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided, except for the identity of submitting Contractors, will be kept confidential to the extent permitted by law.

Each questionnaire must be signed under penalty of perjury in the manner designated in the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify EBCE and provide updated accurate information in writing, under penalty of perjury.

EBCE may waive minor irregularities and omissions in the information contained in the prequalification application submitted, or in this prequalification process.

EBCE may refuse to grant prequalification where the requested information and all materials are not provided or are not provided by the due date. The closing time for the submission of the prequalification questionnaire will not be changed in order to accommodate submittal of missing materials, supplemental materials, and/or corrections to submitted materials. However, any submittal may be supplemented in writing prior to the submittal du date and time.

The submittal of a Prequalification Package and its use by EBCE will not give rise to any liability on the part of EBCE to the submitting party(ies) or any third party or person. This is not a solicitation for any bids. EBCE reserves the right to terminate or modify this RFP process, and/or to terminate the Project without awarding any contract.. No guarantees are made or implied that the Project will be constructed, either in part or in whole. The Contractor accepts all risk and cost associated with completion of the Prequalification Package.

## **B. Procurement of Prequalification Documents**

All applicants must hold a California State Contractors B License. All prequalification documents and notices will be available at the EBCE website, <http://www.ebce.org/solicitations/>

In addition, prequalification documents and notices are available by contacting EBCE or its Construction Manager:

Joseph Sit	Sixth Dimension
Preoject Manager Name	Mike Torres
1999 Harrison St. Suite 800	1504 Franklin St. Suite 102
Oakland, CA 94612	Oakland, CA 94612
510-904-1032	510) 637-9290
<a href="mailto:jsit@ebce.org">jsit@ebce.org</a>	<a href="mailto:mike.torres@sixthdimensionpm.com">mike.torres@sixthdimensionpm.com</a>

**C. Prequalification Submittal Due Date**

Please complete all parts of prequalification documents and submit electronically in pdf form to the email address, with the subject line identified below. Please electronically tab all sections of the prequalification questionnaire according to the table of contents. Prequalification submittals must be sent via email with your Firm name and **“Prequalification for B Licensed Contractors for the EBCE Tenant Imporvement Project”** in the subject line.

A complete copy of the Firm’s Prequalification Submittal must be emailed to and actually received (and date-stamped) at the email address below **no later the 5:00pm on Friday, February 10, 2023.**

Prequalification submittals shall be emailed to: **mike.torres@sixthdimensionpm.com**

Submittals received after the specified time and date will not be considered. **THIS SUBMISSION DEADLINE WILL BE STRICTLY ENFORCED.** No hard copies or fax copies will be accepted. EBCE shall not be responsible for non-receipt, or untimely receipt, of Submittals under anycircumstances. For this reason, submitting firms are encouraged to email Submittals well in advance of the du date and time in order to avoid non-receipt or untimely receipt of a Submittal.

**D. Prequalification Questions**

Firms are required to submit all questions regarding the prequalification process or Project in writing, via e-mail, to [mike.torres@sixthdimensionpm.com](mailto:mike.torres@sixthdimensionpm.com). All questions must be submitted no later than **4 P.M. local time February 03, 2023.** No other questions will be received after the deadline. Only written inquiries will be permitted. Copies of all questions deemed sufficiently important for the completion of this process, and answers, will be posted on the EBCE web site: <http://www.ebce.org/solicitations/>

Under no circumstance shall any prospective Contractors contact, discuss with, or inquire of any EBCE consultant, employee, or Board Official on any matter relating to this prequalification process. This requirement is to ensure that the same information is communicated to all parties and that no inconsistent, incomplete, or inaccurate information is transmitted separately. Failure to comply with this requirement may result in disqualification of a submittal.

**4. PREQUALIFICATION EVALUATION**

The purpose of this prequalification process is to provide EBCE with a mechanism to evaluate and

determine which general contractors are qualified to bid and construct the Project. EBCE shall evaluate the prequalification submittals and score questions in the following categories according to a uniform scoring system:

- Part I Company Contact Information, Declaration
- Part II Essential Requirements for Qualification  
Organization History, Organization Performance, Compliance with Civil and
- Part III Criminal Laws
- Part IV Organization's Experience and Recent Construction Projects Completed
- Part V Financial Statements and Supplemental Information
- Part VI Required Attachments

## **5. PREQUALIFICATION APPEAL PROCESS**

Where a Contractor receives a prequalification rating below that necessary to pre-qualify, the Contractor may dispute the rating determination through this appeal process. An appeal is begun by the Contractor emailing written notice of appeal including all ground upon which the appeal is based, and request for hearing to the EBCE Project Manager, to:

Joseph Sit, Project Manager  
EAST BAY COMMUNITY ENERGY  
1999 Harrison St. Suite 800  
Oakland, CA 94612  
jsit@ebce.org

A Firm's written notice of appeal must be dated in e-mail no later than five (5) business days of the date of mailing of the notice that the Contractor is not prequalified. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the EBCE, whether by administrative process, judicial process or any other legal process or proceeding.

If the Firm gives the required written notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days prior to the last date for the receipt of bids on the Project. The appeal hearing shall be an informal process conducted during normal business hours by a Project Committee appointed by the EBCE Chief Executive Officer. The Project Committee may be comprised of EBCE and/or consultant staff who did not participate in the Contractor's prequalification determination. At or prior to the hearing, the Contractor will be advised of the basis for the EBCE's prequalification determination and any supporting evidence received from others or learned by EBCE's investigation including review of the Contractor's Submittal information. The Contractor will be given the opportunity to present information and arguments in opposition to the prequalification determination. Within seven (7) business days after the conclusion of the hearing, the Project Committee will render its decision which shall be final and not subject to further appeal.

PREQUALIFICATION QUESTIONNAIRE  
EAST BAY COMMUNITY ENERGY AUTHORITY QUESTIONNAIRE



EAST BAY COMMUNITY ENERGY AUTHORITY  
**1999 Harrison St., Suite 800**  
**Oakland, CA 94612**

## CONTRACTOR PRE-QUALIFICATION QUESTIONNAIRE

### A. CONTRACTOR INFORMATION

(All Questions Must Be Answered)

Firm Name (as it appears on CSLB license): \_\_\_\_\_

Firm Type (Select one):       Corporation    LLC    Partnership    Sole Proprietorship    Joint Venture

Contact Person/Title: \_\_\_\_\_  
 (List Owner(s) if Firm is a Sole Proprietorship or Partnership)

Local Address (P.O. Box is not acceptable):  
 Address 1: \_\_\_\_\_  
 Address 2: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Zip: \_\_\_\_\_  
 Office Telephone: \_\_\_\_\_  
 Contact Mobile: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

List all California construction or other professional license numbers, classifications and expiration dates held by your firm:

License Number	Classification	Expiration Date

List your firm's DIR Public Works Contractor (PWCR) Registration Number(s):

PWCR Number	Entity Name	Expiration Date

If any of your firm's license(s) are held in the name of a corporation, limited liability company, 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.

License Number	Qualifying Individual	Expiration Date



**B. CURRENT ORGANIZATION AND STRUCTURE**

Complete the section below for the appropriate type of firm:

**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 Firm	% Ownership

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

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

**For Firms That Are Limited Liability Companies (LLC):**

- 1a. Date Article of Organization filed: \_\_\_\_ 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for all members of the LLC:

Name	Position	Years with Firm	% Ownership

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

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

**For Firms That Are Partnerships:**

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

Name	Position	Years with Firm	% Ownership

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

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

**For Firms That Are Sole Proprietorships:**

- 1a. Date of commencement of business \_\_\_\_\_
- 1b. 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 Firm	Date of Person’s Participation with Firm

**For Firms That Intend to Make a Bid as Part of a Joint Venture:**

- 1a. Date of commencement of joint venture: \_\_\_\_\_
- 1b. Provide all 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 Construction Firm	% Ownership

**Note: Explain on a separate sheet. Provide all other pertinent information required in the sections above, for each Corporation, LLC, Partnership, or Sole-Proprietorship that is a part of the Joint Venture.**

**FOR ALL FIRMS:**

2. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

Construction Firm	Description of Sharing Agreement	Location of Facilities

3. State your firm's gross revenues for each of the last three fiscal years:  
 Current year (\$): \_\_\_\_\_  
 Previous year (\$): \_\_\_\_\_  
 Year prior to previous year (\$): \_\_\_\_\_

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

5. Bonding Capacity – Provide documentation from your surety identifying the following:  
 Name of Bonding Company/Surety: \_\_\_\_\_  
 Name of Surety Agent: \_\_\_\_\_  
 Address: \_\_\_\_\_ Telephone  
 number: \_\_\_\_\_

6. 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.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates on which they were issued:

Name	Address	Date

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

9. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:  
 Current year rate: \_\_\_\_\_  
 Previous year rate: \_\_\_\_\_  
 Year prior to previous year rate: \_\_\_\_\_

10. Does your firm regularly utilize a third party consultant to review labor compliance documents of subcontractors on a public works project?     Yes  No

11. 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 employ on any public works project awarded by [*Public Entity*].

Name	Address	Phone

12. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the past three years.

Name	Address	Phone

13. 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);
  - (c) For each craft, list the number apprentices employed by your firm and the number of individuals that completed apprenticeships while employed by your firm during the last three years.

Craft	Year	No. Apprentices	No. Completed

14. Has your firm changed names or license number in the past five years?  Yes  No  
(If yes, explain on a separate sheet, including the reason for the change.)
15. Has there been any change in ownership of your firm at any time during the last five years?  Yes  No  
(If yes, explain on a separate sheet.)

**NOTE: A corporation whose shares are publicly traded is NOT required to answer this question.**

16. Is your firm a subsidiary, parent, holding company or affiliate of another construction firm?  Yes  No  
 (If yes, explain on a separate sheet.)

**NOTE: Include information 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.**

17. Has any owner, partner and/or officer of your firm operated or been connected to a construction firm under any other name in the last five years not listed in Section A or Section B above at any time in the past five years?  Yes  No

(If yes, provide the person's name, construction firm name, and dates of participation.)

Name	Construction Firm	Dates of Participation

**C. ESSENTIAL CRITERIA QUESTIONS**

Contractor is immediately disqualified if:

- Any answer to questions 1 through 6 is “NO”
- Any answer to questions 7 through 13 is “YES”

		<b>Circle Answer</b>	
1.	Does your firm possess a valid and current California Contractor’s or other professional license as required by law for the project or projects for which it intends to submit a bid?	Yes	No
2.	Is your firm registered with DIR as a Public Works Contractor for the current fiscal year?	Yes	No
3.	Does your firm have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?	Yes	No
4.	Does your firm have current workers’ compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.?	Yes	No
5.	Have you attached your firm’s latest copy of reviewed or audited financial statements with accompanying notes and supplemental information? *	Yes	No

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

6.	Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that: (a) your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or valid for a year if you are seeking pre-qualification valid for a year; and (b) your current available bonding capacity? **	Yes	No
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**NOTE: Notarized statement must be from the surety company, not an agent or broker.**

7.	Has your contractor’s or other professional license been revoked at any time in the last five years?	Yes	No
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8. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was in default and/or terminated by the project owner within the last five years?      Yes      No



- |     |  | <b>Circle Answer</b> |    |
|-----|--|----------------------|----|
| 9.  | Is your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B, ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1, Labor Code section 1777.7, or any other federal, state, county, municipal or other local law providing for the debarment of contractors from public works?  | Yes                  | No |
| 10. | Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B been convicted of a crime involving the awarding of a contract of a government construction project, the bidding or performance of a government contract, antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty? | Yes                  | No |
| 11. | Is your firm currently the debtor in a bankruptcy case?<br><br>(If yes, attach a copy of the bankruptcy petition showing the case number and date on which the petition was filed.)  | Yes                  | No |
| 12. | Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B ever been terminated from a public works contract, including but not limited to termination based on any misconduct, such as failure to comply with contractual, statutory, or other legal obligations from any public construction project?   | Yes                  | No |
| 13. | Does your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B currently have any delinquent liability to an employee, the state, or any awarding body for any assessment of back wages or related damages, interest, fines or penalties pursuant to any final judgment, order, or determination by any court or any federal, state, or local administrative agency, including a confirmed arbitration award?  | Yes                  | No |

\* 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 January 1, 2001, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million.

\*\* An additional notarized statement from the surety may be requested by [*Public Entity*] at the time of submission of a bid, if this pre-qualification questionnaire is submitted more than 60 days prior to submission of the bid.

**D. PRE-QUALIFICATION CRITERIA QUESTIONS**

**Prior History**

Circle Answer

1. How many times has your firm, or any of its officers, supervisors, or managers, declared bankruptcy at any time during the last five years? **0 1 2 3 4 5+**

(This question refers only to a bankruptcy action that was not described in your answer to Question 11 in Section C. If yes, attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed, a copy of the Bankruptcy Court's discharge order or any other document that concluded the case if no discharge order was issued.)

2. How many times has your firm, or any of its officers, supervisors, or managers, had an injunction, judgment, order, or lien entered against it for outstanding taxes assessed or fines, penalties and/or unpaid employee wages at any time in the last five years? **0 1 2 3 4 5+**

(Explain on a separate sheet. Provide details, including the name of the government agency, caption, date, case or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)

3. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging violation of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty? **0 1 2 3 4 5+**

(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

4. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging a violation by a subcontractor hired by your firm of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty? **0 1 2 3 4 5+**

(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

Circle Answer

5. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, paid any amount, fine or otherwise, regardless of characterization, to settle any of the allegations listed in Questions 3 and 4 above, whether with or without an admission of responsibility or liability? **0 1 2 3 4 5+**

(Explain on a separate sheet. Provide details, including the caption, date, case or docket number, and name of the court or agency before which the case was brought.)

6. How many times has your firm, or any of its officers, supervisors, or managers, been debarred, suspended, disqualified, denied a classification rating or pre-qualification or otherwise been declared not responsible to or prevented from bidding or performing work on any public works contract or subcontract in the last five years? **0 1 2 3 4 5+**

(Explain on a separate sheet. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, name of the person within your firm who was associated with that company, date, owner of the project, project name and information, basis for the action, and case or docket number.)

7. How many times 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? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify all such projects by owner, owner's address, date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.)

8. How many times 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? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify the amount of each such claim, name and telephone number of the claimant, date of claim, grounds for claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of resolution and amount, if any, at which claim was resolved.)

9. How many times in the last five years has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm? **0 1 2 3 4 5+**

(Explain on a separate sheet. Name the insurance carrier, form of insurance, and year of refusal.)

10. How many times during the last five years, has your firm been denied bond coverage by a surety company, or has there been a period of time when your firm had no surety bond in place during a public works construction project when one was required? **0 1 2 3 4 5+**

(Explain on a separate sheet. Indicate the date when your firm was denied coverage, name of the company or companies which denied coverage, and the time period during which you had no surety bond in place.)

**Criminal Matters and Civil Suits**

Circle Answer

11. How many times has your firm, or any of its officers, supervisors, or managers, ever been convicted of a crime involving any federal, state, or local law related to construction? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify who was involved, name of the public agency, date of conviction, and grounds for conviction.)

12. How many times has your firm, or any of its officers, supervisors, or managers, ever been found liable in a civil suit or convicted of a federal or state crime of fraud, theft, or involving any other act of dishonesty, such as making any false claim or material misrepresentations? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify the person or persons convicted or found liable, court [the county if a state court, the district or location if federal court], year, and conduct involved.)

**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 involving amounts of less than \$50,000.**

13. How many times in the last five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration? **0 1 2 3 4 5+**

(Explain on a separate sheet. 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 [e.g. "pending" or, if resolved, a brief description of the resolution].)

14. How many times in the last five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify the claim(s) 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 [e.g. "pending" or if resolved, a brief description of the resolution].)

**Occupational Health and Safety Compliance**

Circle Answer

15. How many times in the last five years has CalOSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violation(s) or the federal Occupational Safety and Health Administration cited and assessed penalties against your firm for violation(s) of safety or health regulations? **0 1 2 3 4 5+**

**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.**

16. How many times in the last five years 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? **0 1 2 3 4 5+**

(Explain on a separate sheet describing each citation.)

**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.**

17. How many times 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? **0 1 2 3 4 5+**

(Explain the reason for each absence of workers’ compensation insurance on a separate sheet. If “None,” please provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers’ compensation insurance carrier verifying continuous workers’ compensation insurance coverage for the period that your firm has been in the construction business.)

**Prevailing Wage and Apprenticeship Compliance**

18. How many times during the last five years, has your firm been required to pay back wages and/or penalties related to state or federal prevailing wage laws for work performed by your firm? **0 1 2 3 4 5+**

(Explain on a separate sheet. Describe the nature of each violation and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

**NOTE: Question 18 refers only to the violation of prevailing wage laws by your firm, not to violations by a subcontractor.**

Circle Answer

19. How many times during the last five years, has your firm or any subcontractors hired by your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by a **subcontractor**?

0 1 2 3 4 5+

(Explain on a separate sheet. Identify the subcontractor's business name and CSLB license number, describe the nature of each violation, and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

**NOTE: This question refers only to the violation of prevailing wage laws by subcontractors, not to violations by your firm.**

20. How many times during the last five years, has your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

0 1 2 3 4 5+

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)

21. How many times during the last five years, has any subcontractor hired by your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

0 1 2 3 4 5+

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)



**NOTE: Omissions, misrepresentations and any failure to disclose associations with other firms or any prior history of alleged violations may lead to loss of your eligibility to register as a Public Works Contractor, disqualification of bids, and/or grounds for termination of a contract.**



**E. PROJECT REFERENCES**

Provide information about the firm's five most recently completed public works projects and, if applicable, include its three most recently completed public works projects in the City of Oakland (total of five projects). Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information\*:

For General Contractors: Only list projects your firm performed as the general contractor.

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Contact (name and current phone number): \_\_\_\_\_

Architect or Engineering Firm: \_\_\_\_\_

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

Construction Manager (name and current phone number): \_\_\_\_\_

Inspector of Record (name and current phone number): \_\_\_\_\_

Description of Project, Scope of Work Performed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Value of Construction  
(including change orders): \_\_\_\_\_

Date Construction Commenced: \_\_\_\_\_

Original Contractual Completion Deadline: \_\_\_\_\_

Adjusted Completion Deadline Based on Time  
Extensions Granted by Owner: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

General Contractor's Project Manager (lead contact in office), if applicable: \_\_\_\_\_

General Contractor's Superintendent (lead contact on project site), if applicable: \_\_\_\_\_

\* You may also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid using the same format.



**F. CERTIFICATION**

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

**Each person signing below makes the following representations under penalty of perjury:**

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the [Public Entity] to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

I, \_\_\_\_\_ (Name), the undersigned, am the \_\_\_\_\_ (Title), with the authority to act for and on behalf of \_\_\_\_\_ (Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Pre-qualification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this: \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

(Date)

(Month / Year)

(City / State)

Name of Contractor Representative: \_\_\_\_\_

Signature of Contractor Representative: \_\_\_\_\_