

ATTACHMENT 1 - BIDDER'S QUESTIONNAIRE

I. QUALIFICATION REQUIRED

Notice is hereby given that the City of Pinole has determined that all bidders submitting a bid in excess of \$175,000 must complete this questionnaire for the purpose of determining whether the bidder is qualified. It is mandatory that all Contractors who intend to submit such a bid, fully complete the qualification questionnaire, provide all materials requested herein, and be approved by the City to be on the final qualified Bidders list. No bid will be considered from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, each entity within the Joint Venture must each complete the questionnaire.

The City will use the information contained in the questionnaire as the basis of rating Contractors. The City reserves the right to check other sources available. The City's decision will be based on objective evaluation criteria.

Each bid in excess of \$175,000 must include an accurate bidder's questionnaire properly completed on behalf of the bidder and signed by a representative authorized to bind the bidder. The City will use the information contained in the bidder's questionnaire to determine whether, pursuant to applicable law, a bidder is deemed a qualified for purposes of this project. The information contained in the questionnaire is provided under oath. False information provided in a questionnaire or the omission of relevant information may, in itself, be sufficient to support a determination that a bidder is not qualified. The bidder's questionnaire is divided into three parts. Part I contains essential responsibility criteria. Any bidder that fails to satisfy all of the essential qualification criteria will be deemed not qualified for purposes of this project.

Part II concerns the bidder's business structure, history, performance, and compliance with civil and criminal laws. Part III concerns the bidder's compliance with occupational safety and health laws and other labor legislation. The City will score the information provided in Parts II and III in accordance with the City's scoring system. A bidder that does not achieve a passing score for Part II or III will be deemed not qualified for purposes of this project.

The City reserves the right to adjust, increase, limit, suspend or rescind a qualification rating based on subsequently learned information. Bidders whose ratings change sufficiently to disqualify them will be notified, and given an opportunity to appeal a qualification rating, as set forth below.

Each questionnaire submitted 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 bidder on whose behalf that person is signing. If any information provided by a bidder becomes inaccurate, the bidder must immediately notify the City and provide updated accurate information in writing, under penalty of perjury. A Contractor's failure to sign the declaration under penalty of perjury may immediately result in a finding that the Contractor is not qualified.

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

The qualification packages (questionnaire answers and financial statements) submitted by Contractors 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. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose. All other information submitted with a bid will become public upon bid opening.

Where a timely and completed application results in a rating below that necessary to qualify, an appeal can be made. An appeal may be made by the bidder by delivering a notice to the City of its appeal of the decision with respect to its qualification rating, no later than two working days after the notice of a finding. Upon request of the Contractor, the City will provide notification to the Contractor in writing of the basis for the disqualification and any supporting evidence that has been received from others or adduced as a result of investigation. The Contractor shall be given the opportunity to rebut any evidence used as a basis for disqualification and to present evidence to the public entity as to why the Contractor should be found qualified. If the Contractor chooses not to avail itself of this process, the proposed qualification rating may be adopted without further proceedings. Without a timely appeal, the bidder waives any and all rights to challenge the decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

The Public Works Director or his or her designee shall make a final determination based upon the facts set forth in the notice. It is the intention of the City that project schedules and deadlines will not be delayed or postponed to allow for completion of an appeal process.

Each Contractor that completes this questionnaire may request that the City Agency use the completed questionnaire for consideration of the Contractor for bids on future City projects for up to one year after submission of the completed questionnaire. Such request must be made at or before submission of bids for future projects.

BIDDER'S QUESTIONNAIRE

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

The Bidder will be immediately disqualified if the answer to any of questions 1 through 6, is "no."¹

The Bidder will be immediately disqualified if the answer to any of questions 7 through 10 is "yes."² If the answer to question 9 is "yes," and if debarment would be the sole reason for denial of qualification, any qualification issued will exclude the debarment period.

1. Bidder 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. Bidder has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
 Yes No
3. Bidder 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 Bidder 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?³
 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 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 qualification if you are seeking qualification for a single project; or (if you are seeking qualification valid for a year) (b) your current available bonding capacity?⁴

¹ A "no" answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.

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

³ Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2006, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

⁴ An additional notarized statement from the surety may be requested by the City at the time of submission of a bid, if this bidder's questionnaire is submitted more than 60 days prior to submission of the bid.

Yes No

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

6. Do you currently have a valid business license issued by the City of Pinole or will you acquire one if awarded this contract?

Yes No

If already licensed by the City of Pinole, please attach a copy of the license.

7. Has your contractor's license been revoked at any time in the last five years?

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 qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

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

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

If the answer is "Yes," please provide details of conviction.

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

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 (10%) of the corporation's stock.

Name	Position	Years with Co.	% 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 (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

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

For Firms That Are Partnerships:

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

Name	Position	Years with Co.	% Ownership

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 (10%) or more of the business, or ten percent (10%) 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. 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 (10%) or more of the business, or ten percent (10%) 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

History of the Business and Organizational Performance

1. 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.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

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

3. 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.

4. State your firm's gross revenues for each of the last three years:

The average gross revenue for this three-year period is: _____

5. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

6. 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.

7. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

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

Classification	License number	Expiration date

9. 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.

10. 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.

11. 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.

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

Yes No

If "yes," please explain on a separate signed sheet.

Disputes

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

Yes No

If yes, 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.

14. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for qualification 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.

15. 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.

16. In the past five years has any claim **against** your firm concerning your firm's work on a construction project been **filed in court or arbitration?**
 Yes No

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

17. **In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?**
 Yes No

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

18. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?
 Yes No

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

19. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

20. 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.

21. Has your firm or any of its owners, officers or partners ever been convicted of or admitted guilt to 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.

22. 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.

Bonding

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

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

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

25. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

26. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?
 Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

PART III. COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH LAWS AND OTHER LABOR LEGISLATION

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?
NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.
 Yes No

If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and 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.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
NOTE: If you have filed an appeal of a citation and the 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, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If "yes," attach a separate signed page describing each citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

4. How often do you require documented safety meetings or safety training to be held for construction employees and field supervisors during the course of a project? For how many hours (approximate weekly average)?

Frequency of Safety Meetings or Safety Training per week: _____

Approximate average number of hours per week: _____

5. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

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

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

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

Yes No

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

Prevailing Wage, Hiring and Apprenticeship Compliance Record

7. 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.

8. 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.

9. 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 City/Agency.

10. If your firm operates its own State-approved apprenticeship program:

- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

- (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

- 11. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No

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

* * * * *

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

Dated:

Signature

Name