



CITY OF ELK GROVE
Request for Annual Pre-Qualifications

City of Elk Grove
Public Works
8401 Laguna Palms Way
Elk Grove, CA 95758
(916) 683-7111

Pre-qualification applications may be submitted during regular working hours on any day that the City of Elk Grove is open, Monday-Friday 8:00 a.m. - 5:00 p.m.

At the City Clerk's Office, Elk Grove City Hall
8401 Laguna Palms Way, First Floor, Elk Grove, CA 95758
Or by email to pwbidinqury@elkgrove.gov

For pre-bid information, contact:

Kimberlee Marlan, Engineering Administrative Assistant
Telephone: (916) 478-2256, Facsimile: (916) 691-3173
E-mail: pwbidinqury@elkgrove.gov

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ANNOUNCEMENT OF PRE-QUALIFICATION PROCEDURE FOR ANNUAL PRE-QUALIFICATION

Notice is hereby given that on February 12, 2014, the **City of Elk Grove (City)** determined that all bidders on public works to be undertaken by the City, generally with a contract value greater than \$500,000, or as determined by the City Engineer, must be pre-qualified prior to submitting bids for public works. It is mandatory that all Licensed Contractors who intend to submit bids fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the City to be on the final Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

Pre-qualification applications may be submitted by email to pwbid inquiry@elkgrove.gov, by mail or in person during regular working hours on any day that the City of Elk Grove is open, Monday-Friday 8:00 a.m. - 5:00 p.m. to the City Clerk's office, Elk Grove City Hall located at 8401 Laguna Palms Way, First Floor, Elk Grove, CA 95758. Contractors who submit a complete pre-qualification package will be notified by email of their qualification status, such notice to be emailed no later than fifteen business days after submission of the information.

Unless otherwise exempted by law, answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. The City reserves the right to check other sources available. The City's decision will be based on objective evaluation criteria.

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

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the City in determining bidder responsibility prior to the submission of bids and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of pre-qualification status well in advance of upcoming projects.

The pre-qualification packages should be submitted under seal and marked "CONFIDENTIAL" to the City of Elk Grove, Attention: City Clerk, 8401 Laguna Palms Way, Elk Grove, CA 95758. Pre-qualification applications may be submitted during regular working hours on any day that the City

of Elk Grove is open, Monday-Friday 8:00 a.m. - 5:00 p.m. If the applicant submits by email to pwbid inquiry@elkgrove.gov, the subject line shall state "Pre-Qualification Application".

The pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of an appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

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

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

A contractor who has submitted a completed application form, and who receives a rating of "not qualified" from the City may appeal that determination. There is no appeal from a finding that a contractor is not pre-qualified because of a failure to submit required information, but re-application is permitted. A contractor may appeal the City's decision with respect to its request for pre-qualification, and request a hearing, by giving notice and submitting a deposit of one thousand dollars (\$1,000) to the City no later than ten (10) working days after receipt of notice of its qualification status. Unless a Contractor files a timely appeal, the Contractor waives any and all rights to challenge the qualification decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than 10 working days after the City's receipt of its Notice of Appeal and the \$1,000 filing deposit. The hearing so provided shall be an informal process conducted by a panel to whom the City has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for the City's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the pre-qualification determination. At the conclusion of the hearing or no later than one day after completion of the hearing, the Appeals Panel will render its decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Note: A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the City, or on all contracts to be let by the City until the contractor meets the City's requirements. In addition, a contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

* * * * *

NOTICE: To contractors who are using subcontractors for this job, please be advised that the City **may** require, as to subcontractors, one of the following:

The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

- Pre-qualification of all subcontractors.
- Pre-qualification of subcontractors in certain crafts.
- Post-bid qualification review.

PRE-QUALIFICATION QUESTIONNAIRE

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Contractor's License Number(s):

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 4 is “yes.”¹ If the answer to question 3 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

P1. Has your contractor’s license been revoked at any time in the last five years?

Yes No

P2. 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

P3. At the time of submitting this pre-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:

P4. 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

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

HISTORY AND ORGANIZATION PERFORMANCE

1. State your firm’s gross revenues for each of the last three years (Not Scored):

Year 20____, Gross Revenue _____

Year 20____, Gross Revenue _____

Year 20____, Gross Revenue _____

Three year average gross revenue: _____

2. How many years has your organization been in business in California as a contractor under your present business name and license number (5 points possible)?

_____ years

3. Is your firm currently the debtor in a bankruptcy case (3 points possible)?

Yes No

¹ A contractor disqualified solely because of a “Yes” answer given to question 1, 2, or 3 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

4. Was your firm in bankruptcy at any time during the last five years (3 points possible)? (This question refers only to a bankruptcy action that was not described in answer to question 3, above)

Yes No

LICENSES

5. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm (Not Scored):

6. 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 (5 points possible)?

Yes No

DISPUTES

7. 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 (5 points possible)?

Yes No

If "Yes", how many projects with liquidated damages of \$25,000 or more: _____ projects

8. 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 (5 points possible)?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

Yes No

9. 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 (5 points possible)?

Yes No

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.

10. 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 (5 points possible)?

Yes No

If "Yes", number of claims: _____ claims

11. 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 (5 points possible)?

Yes No

If "Yes", number of claims: _____ claims

12. 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 (5 points possible)?

Yes No

13. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm (5 points possible)?

Yes No

CRIMINAL MATTERS AND RELATED CIVIL SUITS

14. 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 (5 points possible)?

Yes No

15. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction (5 points possible)?

Yes No

16. 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 (5 points possible)?

Yes No

BONDING

17. 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 (5 points possible)?

Yes No

COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH LAWS AND WITH OTHER LABOR LEGISLATION SAFETY

18. 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 (5 points possible)?

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", number of times penalized: _____ times penalized

19. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years (5 points possible)?

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", number of times penalized: _____ times penalized

20. 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 (5 points possible)?

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", number of times penalized: _____ times penalized

21. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project (3 points possible)?

22. Within the last five years (or as long as your firm has been in business if it has been in business for less than five years) has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance (5 points possible)?

Yes No

PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE RECORD

23. 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 (5 points possible)?

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", number of times required to pay back wages or penalties: _____ times penalized

24. 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 (5 points possible)?

Yes No

If "Yes", number of times required to pay back wages or penalties: _____ times penalized

25. Provide the name, address and telephone number of the apprenticeship program(s) (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 of Elk Grove (5 points possible).

26. Provide the name, address and telephone number of any "Joint Apprenticeship Training Committee (JATC)" apprenticeship program(s) (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 of Elk Grove (10 points possible).

NOTE: When listing Apprenticeship Program(s) for Question 26, the applicant must submit documentation from the JATC stating they will dispatch apprentices to the Contractor for use on any public work project for which they are awarded a contract by the City of Elk Grove. If the documentation is not submitted with the Pre-Qualification Application, the question will be deemed incomplete, and points will not be awarded.

27. 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 (5 points possible)?

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", number of violations: _____ violations

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required.

* * * * *

I, the undersigned, certify that I have the legal authority to bind _____
(Firm's Name), 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.

Firm's Name (Printed): _____

Signature: _____

Signatory's Name (Printed): _____

Signatory's Title: _____

Date: _____

PART III. APPENDIX: RESOLUTION 2014-42

RESOLUTION NO. 2014-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING A FEE FOR FILING AN APPEAL OF A PREQUALIFICATION
DETERMINATION FOR BIDDING ON PUBLIC WORKS CONSTRUCTION AND
MAINTENANCE PROJECTS AS A \$1,000 DEPOSIT**

WHEREAS, Chapter 3.42.250 of the Elk Grove Municipal Code establishes the City's system for prequalification of prospective bidders for public works construction and maintenance projects; and

WHEREAS, any bidder aggrieved by a prequalification determination may appeal the determination; and

WHEREAS, Chapter 3.42.250, Part C. "Appeals" of the Elk Grove Municipal Code establishes the process for filing an appeal of a prequalification determination; and

WHEREAS, Chapter 3.42.250, Part C., Paragraph 2 of the Elk Grove Municipal Code requires that all written notices of appeal shall be accompanied by a fee in the amount established by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby establishes the fee for filing an appeal of a prequalification determination made by the City Engineer as a \$1,000 deposit.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of February 2014.



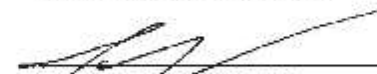
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY