



NEW HAVEN UNIFIED SCHOOL DISTRICT
New Construction and Modernization Projects

PRE-QUALIFICATION PROGRAM
QUESTIONNAIRE
FOR PROJECTS
\$20 MILLION & OVER

2019

NEW HAVEN UNIFIED SCHOOL DISTRICT
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GENERAL INFORMATION

Any contractor desiring to bid as a prime contractor for the New Haven Unified School District public works projects valued at over \$200,001 must be pre-qualified for financial resources, technical expertise, experience, a satisfactory record of past performance and compliance with the law. This questionnaire covers a contractor who intends to bid as a prime contractor on contracts valued at \$20 Million and over. Pre-qualification is effective for one year from the date of the initial approval letter and is renewable each year thereafter. The New Haven Unified School District Board reserves the right to reject any and all prequalification statements and/or waive any irregularity in any prequalification statement received. The District shall award the Contracts, if it awards it at all, to any of the prequalified contractors.

The pre-qualification program packet consists of the following required submittals:

1. Complete and accurate answers to the questions in the Pre-Qualification Program questionnaire
2. Construction projects completed
3. Current and complete annual financial statements
4. Current original bond letter

The range of projects on which the prime contractor will be pre-qualified to bid is determined by the type of financial statements submitted. Please see the table below:

Contract Price Range	Financial Statements Type
\$20 Million and over	AUDITED Financial Statements

These documents are used as the basis for rating prime contractors with respect to the size and scope of contracts which contractors are qualified to bid. The New Haven Unified School District reserves the right to check other available sources. Omission of requested information can result in automatic disqualification.

The pre-qualification program documents are not public records, subject to the Public Records Act, and are not open for public inspection. All information provided will be kept confidential to the extent permitted by law. The New Haven Unified School District reserves the right to reject any and all program questionnaires and to waive any irregularities in the information contained therein.

Each program questionnaire, and any other submitted pages, must be signed under penalty of perjury 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 changes, the contractor must immediately notify the New Haven Unified School District and provide updated, accurate information in writing and under penalty of perjury.

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The pre-qualification program questionnaire consists of three (3) sections, all of which are used to review the prime contractor:

Section I: consists of questions relating to the firm's organization structure, including history of business and organizational performance, licenses, disputes and legal issues. There are a total nineteen (19) points. Fifteen (15) points are required to pass.

Section II: consists of questions relating to the firm's compliance with regulatory agency requirements with respect to safety, workers compensation, prevailing wage, apprenticeship requirements and equal employment opportunity. There are a total eleven (11) points. Eight (8) points are required to pass.

Section III: consists of a list of reference interview questions relating to the firm's administration, and performance on prior completed construction projects. There are a total seven (7) points. Five (5) are required to pass.

In summary, the prime contractor must successfully pass all three sections to be considered for pre-qualification.

The completed pre-qualification program packet, consisting of the Pre-Qualification Program questionnaire, construction projects completed, current bond letter and current financial statements must be sent to:

New Haven Unified School District
Contractor Pre-Qualification Program
34200 Alvarado Niles Road
Union City, CA 94565

NOTE:

A complete pre-qualification program package must be received at least ten (10) business days prior to any bid opening that the prime contractor wishes to bid on to allow time for review, verification and approval.

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CHECKLIST OF REQUIRED SUBMITTALS

1. Pre-Qualification Program Questionnaire:
 - All questions answered
 - Signed and dated

2. Reviewed or Audited Financial Statements for a full year ending within the last 12 months and reflecting the most recent, fiscal year activity. Complete Financial Statements include the following components:
 - Balance Sheet
 - Statement of Income and Retained Earnings
 - Statement of Cash Flows
 - Notes
 - Supplemental Schedules

3. Bond Letter:
 - Dollar amount for a single contract
 - Dollar amount for an aggregate program
 - Original addressed to the New Haven Unified School District
 - Notarized with Power of Attorney

4. Projects completed within the last ten (10) years under your current California state license.
 - Complete Form A

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CONTRACTOR PRE-QUALIFICATION PROGRAM
ESSENTIAL REQUIREMENTS FOR PRE-QUALIFICATION

Date: _____

Firm Name: _____

Firm Address: _____

City, State, Zip Code: _____

Contact Name: _____

Phone Number: _____ Email: _____

Fax Number: _____

NOTE: For purposes of this questionnaire, "Person" is defined as individuals who constitute the management of a corporate or other legal entity. Additionally, it includes any individual or other legal entity that: (a) directly or indirectly (e.g. through an affiliate), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a contract, or a subcontract under a contract; or, (b) conducts business, or reasonably may be expected to conduct business, with the District as an agent or representative of another person.

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 below is "NO".

1. Does the Contractor possess a valid and current California Contractor's license for the contract, or contracts, for which it intends to submit a bid?
 Yes No

2. Does the Contractor have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate (will vary dependent upon contract size)?
 Yes No

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3. Does the Contractor have a current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et seq.?
- Yes No Not Applicable – Contractor has no employees

4. Have you attached a copy of your most recent Reviewed or Audited Financial Statements, including accompanying notes and supplemental information?
- Yes No

NOTE: The Accountant's/Auditor's Report must be for a full year ending within the last twelve (12) months, reflecting a full 12-month, fiscal year activity. Also, see the "General Information" page of this packet for the type of Financial Statements required.

5. Have you attached an original letter of bonding capacity confirming name, address and telephone number of a contact for a California admitted Surety Company? The letter must be addressed to The New Haven Unified School District and include both single and aggregate bonding capacity totals.
- Yes No

NOTE: This letter should be provided by the surety company or an authorized agent. A letter from an authorized agent must include a power of attorney and notary acknowledgment.

Contractor will be immediately disqualified if the answer to either questions 6, 7, 8, 10 or 11 is "Yes". If the answer to question 9 is "Yes", and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

6. In the last five (5) years, has any Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) in your firm had their California State Licensing Board (CSLB) license suspended or revoked?
- Yes No
7. In the last ten (10) years, has your firm, or any Person, been convicted of a crime involving the awarding of a contract for a government (local, state or federal) construction project, or the bidding or performance of a government contract?
- Yes No

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8. In the last five (5) years, has your firm, or any Person, been “defaulted” or “terminated” by an owner (other than for convenience of the project owner) or has your surety completed a contract for your firm?

- Yes No

9. At the time of submitting this pre-qualification form, is your firm, or any Person, ineligible to bid on or be awarded any public works contract, or perform as a subcontractor on a public works contract?

- Yes No

If the answer is “Yes”, state the beginning and ending dates of the period of debarment or non-responsibility: _____

10. Has your firm, or any Person, ever been found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?

- Yes No

11. In the last ten (10) years, has your firm, or any Person, ever been convicted of a crime involving any federal, state or local law related to construction, including acts of dishonesty?

- Yes No

SECTION I

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

1. **Firms that Are Corporations:**

- Date incorporated
- Under the laws of what state
- Is the status of your corporation still valid?

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.	Percent % Ownership	Taxpayer Identification

Identify every construction firm that any Person listed above has been associated with (as owner, general partner, limited partner or officer) in the last five (5) 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.

Name	Construction Firm	Date of Participation with Firm

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2. Firms That Are Partnerships:

- Date of formation
- Under the laws of what state
- Is the status of your partnership still valid?

Provide all the following information for each Person who owns ten percent (10%) or more of the firm:

Name	Position	Years with Co.	Percent % Ownership	Taxpayer Identification

Identify every construction firm that any Person listed above has been associated with (as owner, general partner, limited partner or officer) in the last five (5) 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.

Name	Construction Firm	Date of Participation with Firm

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3. **Firms With a Joint Venture License:**

- Date of commencement of joint venture
- Is the status of your joint venture still valid?

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 contracts:

Name of Firm	% Ownership of Joint Venture

Provide all the following information for each Person who owns ten percent (10%) or more of the joint venture:

Name	Position	Years with Co.	Percent % Ownership	Taxpayer Identification

NOTE: New joint ventures are not excluded from forming on a contract-by-contract basis *after* the pre-qualification process. However, in such cases, all parties to the joint venture must have individually pre-qualified in order to bid with the New Haven Unified School District as a joint venture.

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4. **Firms That Are Sole Proprietorships:**

- Date of commencement of business
- Social Security Number of company owner

Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) in the last five (5) years.

Name	Construction Firm	Date of Participation with Firm

5. In the last five (5) years, have there been any changes in ownership of the firm?

- Yes No (If Yes, explain on a separate signed page)

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

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

- Yes No (If Yes, explain on a separate signed page)

NOTE: Include information about other firms if one firm owns fifty percent (50%) or more of another, or if a Person of your firm holds a similar position in another firm.

7. Are any Persons in your firm associated with any other construction firms?

- Yes No (If Yes, explain on a separate signed page)

NOTE: Include information about other firms if any Person in your firm holds a similar position in another firm.

8. State your firm's gross revenues for the last three (3) years:

Year Ended	Gross Revenue

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9. How many years has your firm been doing business in California as a contractor under your present business name and license number? _____ Years.

10. Is your firm currently in bankruptcy proceedings?

- Yes No

(If Yes, attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.)

11. If your firm is not currently in bankruptcy proceedings, has your firm filed for bankruptcy or made a general assignment for the benefit of creditors in the last five (5) years?

- Yes No

(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 if no discharge order was issued, any other document that ended the case.)

B. LICENSES

1. List all California contractor license numbers, classifications and expiration dates held by your firm and its Persons:

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

3. In the last five (5) years, has your firm changed names or license numbers?

- Yes No

(If Yes, explain on a separate signed page, including the reason for the change)

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4. In the last five (5) years, has any Person in your firm operated a construction firm under any other name?

Yes No

(If Yes, list and explain on a separate signed page.)

C. DISPUTES

1. In the last five (5) years, has your firm been assessed and paid liquidated damages after completion of a project under construction contract with either a public or private owner?

Yes No

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

2. In the last five (5) years, has your firm, or any firm associated with your firm's Persons, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works contract for any reason?

Yes No

(If Yes, explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by, name of the company, the Person in your firm who was associated with that company, the year of the event, the owner of the contract and the basis for the action.)

NOTE: "Associated with" refers to another construction firm in which a Person in your firm held a similar position, as listed in response to Question 1 in Part II of this form.

3. In the last five (5) years, has your firm been denied an award of a public works contract based on a finding by a public agency that your firm was not a responsible bidder?

Yes No

(If Yes, explain on a separate signed page. Identify the year of the event, the owner, the contract and the basis for the finding by the public agency.)

NOTE: Questions C(4) and C(5) refer only to disputes between your firm and the owner of a project. Do not include information about disputes between your firm and the supplier, another contractor, or subcontractor. Do not include information about "pass-through"

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disputes in which the actual dispute is between a sub-contractor and a project owner.

4. In the last five (5) years, have any complaints been filed in court against your firm concerning your firm's work on a construction contract?

Yes No

(If Yes, on separate signed pages, identify the complaint(s) by providing the contract name, date of the complaint, name of the plaintiff, a brief description of the nature of the complaint, the court in which the case was filed and a brief description of the status of the complaint pending or, if resolved, of the resolution.)

5. In the last five (5) years, has your firm filed a complaint in court against a project owner concerning work on a project or payment for a contract?

Yes No

(If Yes, on separate signed pages, identify the complaint(s) by providing the contract name, date of the complaint, name of the entity (or entities) against whom the complaint was filed, a brief description of the nature of the complaint, the court in which the case was filed and a brief description of the status of the claim pending or, if resolved, of the resolution.)

6. In the last five (5) years, has any surety company made any payments, on your firm's behalf, to satisfy any claims made against a performance or payment bond issued in connection with a construction contract, either public or private?

Yes No

(If yes, explain on separate signed pages)

7. Has your firm, or any Person, ever been found liable in a civil action for making any false claim or material misrepresentation to any public agency or entity?

Yes No

(If Yes, explain on separate signed pages)

SECTION II

A. COMPLIANCE WITH SAFETY, WORKERS COMPENSATION, PREVAILING WAGE, APPRENTICE LAWS AND EQUAL EMPLOYMENT OPPORTUNITY (EEO).

1. In the last five (5) years, has CAL OSHA cited and assessed penalties against your firm for any “serious”, “willful” or “repeated” violations of its safety or health regulations?

Yes No

(If Yes, attach a separate signed page listing each citation)

NOTE: If you have filed an appeal of a citation, and the Occupational Health Appeals Board has not yet ruled on the appeal, you must answer “Yes” to this question.

2. In the last five (5) years, has the Federal Occupational Safety and Health Administration, or any State OSHA jurisdiction, cited and assessed penalties against your firm for any “serious”, “willful” or “repeated” violations of its safety or health regulations?

Yes No

(If Yes, attach a separate signed page listing each citation)

3. In the last five (5) years, has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against your firm?

Yes No

(If Yes, attach a separate signed page listing each citation)

4. How often do you hold documented safety meetings for construction employees and field supervisors during the course of a contract?

5. List your firm’s Experience Modification Rate (EMR) - California workers’ compensation insurance - for each of the past three (3) premium years:

Current year: _____

Last year: _____

Two years ago: _____

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NOTE: If the EMR for any of these years rated 1.00 or higher, please attach a letter of explanation.

6. In the last five (5) years, was there any occasion(s) which your firm was required, by a compliance agency, to pay either back wages or penalties for your own firm's failure to comply with the State's prevailing wage laws?

- Yes No

(If Yes, explain on separate signed pages)

7. 37. In the last five (5) years, was there any occasion(s) which your firm was required, by a compliance agency, to pay either back wages or penalties for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

- Yes No

(If Yes, explain on separate signed pages)

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

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

(b) State the year in which each 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 (3) years in each apprenticeship, and the number of persons who, during the past three (3) years, completed apprenticeships in each craft(s) while employed by your firm.

9. Provide the name, address and telephone number of the apprenticeship program sponsor(s) approved by the California Division of Apprenticeship Standards that will provide apprentices to your company for use on any public works contract for which you are awarded a prevailing wage contract by the New Haven Unified School District.

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10. In the last five (5) years, was your firm found in violation of any provision of California apprenticeship laws or regulations, or the laws pertaining to the use of apprentices on public works?

- Yes No

(If Yes, provide the date(s) of such findings and attach copies of the final decision(s).

11. List all instances within the past five (5) years where a finding of discrimination was made against your firm or any of its Persons in a legal or administrative proceeding alleging that the firm discriminated against its employees, subcontractors, vendors, or suppliers, **and** a description of the status or resolution of that complaint, including any remedial action taken. If none, indicate “**None**”.

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SIGNATURE PAGE

I, the undersigned, certify and declare that I have read the Pre-Qualification & Contractor Standards Questionnaire and all its contents. I further declare, under penalty of perjury, that I have answered, or caused to be answered, all questions, based on my knowledge and belief, and that they are true and correct.

Printed Name and Title: _____

Signature: _____ Date: _____

If this form is completed by someone other than the above signer, please print name and title here:

Name: _____ Title: _____

SECTION III

CONSTRUCTION CONTRACTS COMPLETED

Using **FORM A**, please provide the following information for contracts completed under your current California state license:

1. The two (2) largest public work contracts **completed** within the last ten years; **and**,
2. The five (5) largest contracts, not including the two listed above, **completed** within the last ten years.

Contact names and phone numbers must be current and verifiable. References will be contacted and interviewed. If the District is not able to contact a reference at the given phone number, that reference will not be used or considered in the evaluation.

- Project Name
- Location
- Owner
- Owner Contact (name, phone number and email)
- Architect or Engineer
- Architect or Engineer Contact (name, phone number and email)
- Construction Manager
- Construction Manager Contact (name, phone number and email)
- Description of Project, Scope of Work Performed
- Performed Work as Prime Contractor or Sub Contractor
- Total Value of Contract (including change orders)
- Original Scheduled Completion Date
- Actual Completion Date
- Time Extension Granted (number of days)

CONTRACTOR PRE-QUALIFICATION PROGRAM

FORM A

Firm Name: _____

REFERENCES FOR CONSTRUCTION CONTRACTS COMPLETED

Contact names and phone numbers must be current and verifiable. References will be contacted and interviewed. (If the District is unable to contact a reference at the given phone number, the reference will not be used or considered in the evaluation.) Copy this sheet as necessary and provide the following information regarding:

1. The two (2) largest public work contracts **completed** within the last ten years; **and**,
2. The five (5) largest contracts, not including the two previously listed, **completed** within the last ten (10) years.

Project Name: _____

Location: _____

Owner: _____

Contact: _____ Phone: _____ Email: _____

Architect or Engineer: _____

Contact: _____ Phone: _____ Email: _____

Construction Manager: _____

Contact: _____ Phone: _____ Email: _____

Description of Project, Scope of Work Performed: _____

Performed Work as:

- Prime Contractor Sub-Contractor

Total Value of Contract (including change orders)*: _____

Scheduled Completion Date: _____ Actual Completion Date: _____

Extension Time Granted (number of Days): _____

**Verifiable dollar amounts will be used as part of the bidding capacity calculation.*

Note: The New Haven Unified School District reserves the right to check all other sources available.