

M.E.P. PRE-QUALIFICATION QUESTIONNAIRE

CONTACT INFORMATION

Firm Name: _____ Check One: ☐ Corporation
(As it appears on CSLB license) ☐ Partnership
☐ Sole Prop.
☐ LLC
☐ Joint Venture

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

Local Address: _____

Phone: _____ Fax: _____

Mobile: _____ Email: _____

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

| License Number | Classification | Expiration Date |
|----------------|----------------|-----------------|
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List your firm's DIR Public Works Contractor (PWCR) Registration Number(s):

| PWCR Number | Entity Name | Expiration Date |
|-------------|-------------|-----------------|
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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 |
|----------------|-----------------------|-----------------|
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PART I.
ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Any Contractor that cannot satisfy all of Part I, regardless of the ranking or ability to meet other criteria, will not be considered for this RFP.

1. Does your firm possess a valid and current California Contractor's license or other professional license as required by law for the Project?

☐ Yes ☐ No

2. Does your firm have a liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate?

☐ Yes ☐ No

3. Does your firm meet the "skilled workforce" requirements set forth under Education Code section 17407.5?

☐ Yes ☐ No

4. Does your firm have current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.?

☐ Yes ☐ No ☐ Contractor is exempt from this requirement, because it has no employees.

5. Has your firm completed at least two California public school K-12 construction projects of at \$1 million dollars, subject to DSA approval within the last three (3) years?

☐ Yes ☐ No

If "Yes" list on a separate sheet the names of the projects, their location, the owner, the project manager, the project superintendent, contact information, project amount, and the date each project was commenced and completed.

6. Is your firm currently registered with the Department of Industrial Relations and qualified to submit a bid or proposal and to otherwise perform work on a public project pursuant to Section 1725.5 of the Labor Code?

☐ Yes ☐ No

7. Has your firm's contractor's license been revoked or suspended at any time in the last five years, even if later reinstated retroactively?
- ☐ Yes ☐ No
8. Has a surety firm completed a contract on your firm's behalf, or paid for completion because your firm was default terminated by the project owner within the last five years?
- ☐ Yes ☐ No
9. Is your firm, any of its officers, supervisors, managers, or any firm or individual identified herein ineligible to bid or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1 or 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

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

10. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified herein 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

PART II.

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

A. 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 per cent of the corporation's stock.

| Name | Position | Years with Co. | % Ownership | Social Security # |
|------|----------|----------------|-------------|-------------------|
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- 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 10 percent or more of its stock, if the business is a corporation.

| Person's Name | Construction Firm | Dates of Person's Participation with Firm |
|---------------|-------------------|---|
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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 |
|------|----------|-----------------|-------------|
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- 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 |
|---------------|-------------------|--|
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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 percent or more of the firm.

| Name | Position | Years with Co. | % Ownership | Social Security # |
|------|----------|----------------|-------------|-------------------|
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- 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 or more of the business, or ten percent or more of its stock, if the business is a corporation.

| Person’s Name | Construction Company | Dates of Person’s Participation with Company |
|---------------|----------------------|--|
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For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business: _____
- 1b. Social security number of company owner: _____
- 1c. 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 Company | Dates of Person’s Participation with Company |
|---------------|----------------------|--|
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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 |
|--------------|------------------------------|
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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 Applicants:

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. 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.

3. 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.

5. 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.

5. Has any owner, partner or 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.

6. State your firm’s gross revenues for each of the last three years:

Current Year: _____

Previous Year: _____

Year prior to previous year: _____

7. **Please attach your most current reviewed or audited year-end financial statement**, which must have been prepared by a certified public accountant, within twelve (12) months of submission of this proposal package.¹ In addition, please provide your most current financial statement, which must have been prepared within three (3) months of submission of this proposal package. This second financial statement may be prepared by an employee of the firm.²

8. Name of accounting firm and primary contact: _____

Address: _____

Telephone: _____

9. How many years has this accounting firm prepared financial statements for you? _____

¹ This financial statement shall not be prepared by any individual who is in the regular employ of the firm submitting the statement, nor by any individual or entity who has more than a ten percent (10%) financial interest in the firm’s business. If the individual or entity that prepared the audited year-end financial statement submitted with this proposal package has any financial interest in the firm’s business, the firm shall notify the District of such financial interest in a separate signed statement accompanying this proposal package.

² 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 proposal is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1).” A contractor seeking to invoke this exemption shall submit documentation evidencing its qualification for this exemption. As of January 1, 2001, the qualifying amount is \$10 million, and 25% of that amount is \$2.5 million.

B. History of the Business and Organizational Performance

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

2. 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.

3. Was your firm in bankruptcy or receivership at any time during the last five years?

☐ 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.

4. 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.

6. Does your firm currently have a permanent administrative office in the county where the project is located that has been in existence for at least two years (jobsite field offices shall not be included)?

☐ Yes ☐ No

7. Has your firm completed at least three (3) public works projects in the county in which the project is located within the last two years?

☐ Yes ☐ No

C. Disputes

1. At any time in the last five years has your firm been assessed 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.

2. 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 Part II (A) on this form.

☐ 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 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.

3. 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.

4. 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).

5. In the past five years has your firm made any claim in court or arbitration against a project owner concerning work on a project or payment for a contract?

☐ 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).

6. 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.

7. 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.

8. In the last five years has your firm held a public works contract on which more than three stop payment notices were served against your firm?

☐ Yes ☐ No

If "Yes" explain on a separate signed page.

D. Criminal Matters and Related Civil Suits

1. 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.

2. 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?

☐ 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.

3. 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.

E. Bonding

1. Please attach 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 your current bonding capacity.

2. Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

3. _____
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:

4. 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 five years, state the percentage that your firm was required to pay, identify the project, identify the owner, and identify the dates of the project. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.
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5. 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.

F. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

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, 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.

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.

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

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.)

G. Prevailing Wage and Apprenticeship Compliance Record

1. Has there been any 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.

2. During the last five years, has there been any 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.

3. Provide the **name, address and telephone number** of the apprenticeship program sponsor(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.

4. 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.

5. 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).

**PART III.
RECENT CONSTRUCTION
PROJECTS COMPLETED**

1. Contractor shall provide information about all public works projects, subject to DSA approval, completed as the general contractor within the last three (3) years. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

Architect or Engineer: _____

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 Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

PART IV. 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: _____