

**REQUEST TO PREQUALIFY AND FOR STATEMENT OF
QUALIFICATIONS FOR CONSTRUCTION SERVICES
(LEASE-LEASEBACK)
(RFQ) #1617-168**

for Science Center at Santa Ana College



Response must be received no later than

June 29, 2017 at 3:00 PM

LATE RESPONSES WILL NOT BE CONSIDERED

Submit Response To: RSCCD Facility Planning, District Construction and Support Services
2323 N. Broadway, Suite 112
Santa Ana, CA 92706
**Attention: Carri M. Matsumoto,
Assistant Vice Chancellor**

Questions or Clarifications: All questions must be submitted in writing, via email to: Allison Coburn, Coburn_Allison@rsccd.edu

**REQUEST TO PREQUALIFY AND FOR STATEMENT OF QUALIFICATIONS FOR
CONSTRUCTION SERVICES (LEASE-LEASEBACK)**

The Rancho Santiago Community College District (“**District**”) is requesting submission of:

- A prequalification application (“**Prequalification Application(s)**”), and
- A statement of qualifications (“**SOQ(s)**”)

(together, “**Response(s)**”), from qualified firms, partnerships, corporations, associations, persons, or professional organizations (“**Contractor(s)**” or “**Firm(s)**”) to perform construction services for a project pursuant to a lease-leaseback structure. (Education Code section 81335.)

Pool. This request is not a formal request for bids or an offer by the District to contract with any Contractor responding to this Request to Prequalify and for Statement of Qualifications (“**RFQ**”). The District intends to create a pool of qualified Contractors that the District intends to request proposals for the project as identified in **Attachment 1** to this RFQ (“**Project**”). Contractors that intend to submit a Response must:

- Hold a Class B Contractors License, which is current, valid, and in good standing with the California Contractor's State License Board; and
- Prequalify through the District’s prequalification process.

Responses. Interested Contractors are invited to submit a Response as described below,

- **Prequalification Applications and SOQs must be received** by the date indicated in the RFQ Schedule, with one (1) original and six (6) copies of requested materials as well as one (1) electronic copy, in PDF format with bookmarks on a thumb drive.

Questions. Questions regarding this RFQ must be in writing and directed only to **Allison Coburn, Facilities Project Manager** at **Coburn_Allison@rsccd.edu** by the date indicated in the RFQ Schedule. Contractors are directed to not contact any other person regarding this RFQ.

RFQ Addenda. If the District issues addenda to this RFQ, Contractors are solely responsible for and must acknowledge receipt of addenda in the Contractor’s SOQ. Failure to acknowledge and respond to any addenda issued by the District may, in the District’s sole discretion, render the Contractor’s SOQ to be deemed non-responsive and may be rejected.

RFQ Schedule. The District has set the following RFQ Schedule that all Contractors must adhere to. Late responses will not be considered. The District reserves the right to modify this RFQ Schedule and will issue an addendum if it modifies this RFQ Schedule.

| Event / Occurrence | Date / Deadline |
|---|---|
| District Issues RFQ | May 31, 2017 |
| Deadline for Contractors to submit questions regarding this RFQ | 3:00 PM, June 20, 2017 |
| District to respond to Contractors’ questions regarding this RFQ | June 22, 2017 |
| Deadline for Contractors to submit Prequalification Application and SOQ | 3:00 PM, June 29, 2017 |
| District to interview qualified Contractors | July 17, 2017 or July 18 th , 2017 |

Thank you for your interest in working with the Rancho Santiago Community College District.

1. **General Information.**

- 1.1. **General Services.** The District invites qualified Contractors to submit a Response related to its ability to provide the Services, as more fully indicated herein. Contractors must have extensive experience with the International Building Code (“IBC”), California Building Standards Code (California Code of Regulations, Title 24), Americans with Disabilities Act, and the Division of the State Architect (“DSA”). Contractors must have extensive experience in the construction of public community college and/or school facilities, working with California public community college and/or school district representatives, working with architects, contractors and other facility related consultants, and bidding procedures under both the Public Contract Code’s formal bidding process and under alternative construction delivery methods.
- 1.2. **Lease-Leaseback Structure.** The Project may be funded from various sources, and any agreement reached will conform to the statutory framework for the lease-leaseback delivery method. (Education Code section 81335.) **The Contractor will be responsible for financing a portion of the construction of the Project.** During construction, the District shall pay tenant improvement payments. Once the Project is complete, the Contractor shall lease the facilities constructed back to the District for a pre-determined monthly lease payment amount and lease period.
- 1.3. **Scope of Services.** The selected Contractor for the Project must be willing and able to, in good faith, propose to construct the Project listed in **Attachment 1 (“Services”)**, including the subcontractor procurement process that all Contractors are required to follow which will be detailed then. Those processes(s) shall comply with the District’s Subcontractor procurement process as indicated in **Attachment 4 (“Subcontractor Procurement Process”)**.
- 1.4. **Gift Ban.** The Board of Trustees adopted Board Policy 3821 Gift Ban Policy. Contractors shall adhere to Board Policy 3821 as there are strict prohibitions outlined in the policy. For further reference and information please read BP 3821 located on the RSCCD website at <http://www.rscdd.edu/Trustees/Pages/BP-3821.aspx>.

2. **Prequalification.**

- 2.1. **Contractor Prequalification.** A completed Prequalification Application must be submitted by all contractors by the date indicated in this RFQ. The Prequalification Application is related to a contractor’s ability to provide the Services as indicated herein and must be maintained for the duration of the time frame for the Project identified in this RFQ. (Public Contract Code section 20651.5.) The District’s Prequalification Application is hereto as **Attachment 2 (“Prequalification Application”)**. All Contractors must prequalify by completing the Prequalification Application available at that location; other district’s prequalification documents are not sufficient for this Project.
- 2.2. **Subcontractor Prequalification.** Some or all of the subcontractors that will be utilized on each Project must also be prequalified, but that subcontractor prequalification process will **not** be part of this RFQ step. The District will implement the subcontractor prequalification process when the District requests proposals for each Project and may, at that time, prescribe the dollar limit for each prequalified subcontractor per project.

3. **Contractors’ SOQs.** Contractors’ SOQs must be concise, well-organized, and consecutively numbered on each page and must include the following information, using the following outline structure, except as may be otherwise directed. The Contractors’ SOQ shall **be no longer than fifty (50) single sided pages, on 8½” x 11” paper**, inclusive of résumés, forms, and pictures, and tabbed according to the numbering system reflected below. Each Contractor’s SOQ must demonstrate Contractor’s qualifications, and shall include the following items and information:

- 3.1. Letter of Interest.** A dated Letter of Interest must be submitted, including the legal name of the Contractor, address, telephone, emails, and the name, title, and signature of the person authorized to submit the SOQ on behalf of the Contractor. The Letter of Interest should provide a brief statement of the Contractor's experience indicating the unique background and qualities of the Contractor, its personnel, and what will make the Contractor a good fit for work in the District.
- 3.2. Table of Contents.** A table of contents of the material contained in the SOQ must follow the letter of interest.
- 3.3. Executive Summary.** An executive summary that outlines the Contractor's philosophy, along with a brief summary of the Contractor's qualifications.
- 3.4. Proposed Personnel/Contractor Team.** Include resumes of key personnel who would be performing Services for the District. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the District. Indicate each person's availability to provide the Services.
- 3.5. Contractor's History.** Provide a brief history of the Contractor, and, if a joint venture, of each participating entity.
- 3.6. Contractor's Financial Stability.** Provide a brief explanation of the Contractor's financial stability to manage a two-year construction project.
- 3.7. Contractor's Experience with Lease-Leaseback.** Describe the Contractor's experience performing projects pursuant to a lease-leaseback structure. In addition, for all projects that you identify in "Contractor Project References" on the **Prequalification Application** attached hereto as **Attachment 2**, indicate all of those that were performed pursuant to a lease-leaseback structure.
- 3.8. Contractor's Approach to Work.** Describe how the Contractor intends to work with the District's administration officials to perform the Services, including assistant vice chancellors, vice presidents, deans, instructors, facilities directors, and maintenance staff to develop management techniques and responses related to the unique challenges of the District's educational program requirements.
- 3.9. Letters of References.** Include letters of reference or testimonials, if available. Contractor should limit letters of references or testimonials to no more than ten (10).
- 3.10. Professional Development.** Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the District in understanding Contractor's qualifications and expertise.
- 3.11. Schedule.** Discuss the Contractor's ability to prepare and meet achievable construction schedules for lease-leaseback projects, Contractor's schedule management procedures, and how the Contractor has successfully handled potential delays.
- 3.12. Budget.** Discuss the Contractor's ability to manage costs and stay within budgets on comparable projects.
- 3.13. Community Student Workforce Project Agreement (CSWPA) and Local Community / Student Outreach.** Describe the Contractor's involvement on previous projects on which a project labor agreement, project stabilization agreement, community workforce agreement, or similar arrangement was in place. Provide a plan for implementing local outreach, student outreach,

including local trade contractors, veterans, and apprenticeship involvement.

- 3.14. Safety.** Discuss the Contractor’s safety program, the content and frequency of its safety meetings, the basis for its current EMR number, its Injury and Illness Prevention Program and who the Contractor’s safety officer would be and his/her qualifications for that position.
- 3.15. Environmental.** Describe the Contractor’s experience and ability to ensure that it can perform its construction activities in an environmentally responsible manner. Also, describe the Contractor’s experience in constructing LEED certified buildings.
- 3.16. Contractor’s Current Work Commitments/Project Limitations.**
 - 3.16.1. Specify the current and projected workload of Contractor over the anticipated duration of the Project. If applicable, provide a statement of all recent, current, or anticipated contractual obligations that relate in any way to similar work for the District that may have a potential to impede Contractor’s ability to provide the Services described herein to the District.
 - 3.16.2. Indicate Contractor’s limitation or Surety restrictions related to the size of Project that Contractor can contract for and can effectively perform.
- 3.17. Additional Data.** Provide additional information about the Contractor as it may relate to Contractor’s SOQ.
- 3.18. Compensation.** The District is not asking in this RFQ that Contractors provide a specific proposal for the Project or for a final price to construct the Project. At this time, Contractors must provide the following information only, which shall be the maximum amount that the selected Contractor will be permitted to charge for the Project:

| Item | Amount |
|--|----------|
| Staffing that would be part of General Conditions | |
| Project Executive (hourly rate) | \$ _____ |
| Project Manager (hourly rate) | \$ _____ |
| Project Superintendent (hourly rate) | \$ _____ |
| Project Engineer (hourly rate) | \$ _____ |
| Safety Officer (hourly rate) | \$ _____ |
| Estimator (hourly rate) | \$ _____ |
| Scheduler (hourly rate) | \$ _____ |
| Mark-up on Subcontractor work | _____ % |
| Mark-up on self-performed work | _____ % |
| Mark-up on Subcontractor change order work | _____ % |

| | |
|---|-------------------|
| Mark-up on self-performed change order work | _____ % |
| Fee / overhead & profit (as a percentage of direct costs) | _____ % |
| Bond & insurance cost (as a percentage of direct costs) | _____ % |
| Other costs (identify in sufficient detail for evaluation, either as a lump sum or a percentage of direct costs) | \$ ____ or ____ % |

3.19. Contract Form. The District intends to use a Lease-Leaseback contract form that the District will provide via addendum (“**Contract**”). Contractor will be required to review and provide any comments or objections to the Contract in its SOQ. Contractors will be required to substantially accept the form of Contract, including the indemnification provision(s) therein. **PLEASE NOTE: The District will not consider any substantive changes to the form of Contract if they are not submitted at or before the time the SOQ is due.**

4. District’s Evaluation / Best Value Selection Process. The District shall evaluate Firms’ Responses based on a best value determination process

4.1. Criteria for Best Value Selection Process. The District wishes to retain Contractors that have the financial strength, management and expertise to deliver the Project within a proposed schedule and within an established budget. The District reserves the right to choose any Contractor for the Project. The Contractor will be selected based on qualifications and demonstrated competence that include relevant experience with California public community college and/or school district construction, with State of California’s School Facilities Program, and a proven track record for cost-efficient and timely construction projects.

4.2. Scoring. The following table indicates how the District will score steps 1 – 4. The scoring and criteria for all steps are included in **Attachment 3** to this RFQ. Only Firms that receive the minimum qualification points as required at each step will move to the next step.

| | |
|--|--|
| STEP 1: Scoring of Prequalification Application | Minimum points required in STEP 1 for Firms to proceed to STEP 2: <u>40</u> Total combined maximum possible points at the end of STEP 2 is <u>54</u> . The District will only score SOQs of Firms that have the required minimum score after STEP 1. |
| STEP 2: Scoring of SOQ | Minimum points required in STEP 2 for Firms to proceed to STEP 3: <u>330</u> Total combined maximum possible points at the end of STEP 2 is <u>405</u> . The District will only contact references of Firms that have the required minimum score after STEP 2. |
| STEP 3: Scoring of Reference Checks | Minimum points required in STEP 3 for Firms to proceed to STEP 4: <u>80</u> Total combined maximum possible points at the end of STEP 3 is <u>130</u> The District will only interview Firms (if it interviews any Firms) that have the required minimum score after STEP 3. |
| STEP 4: Scoring of Interviews | The District, at its discretion, may elect to forego conducting interviews. If the District conducts interviews, then the following shall apply: |

| | |
|--|---|
| | <p style="text-align: center;">Minimum points required in STEP 4 to be placed in pool of firms from which proposals on the Project will be solicited: <u>80</u></p> <p>Total maximum possible points from Interview is <u>110</u>.</p> |
|--|---|

| |
|---|
| <p>BEST VALUE DETERMINATION</p> <p>If the District conducts interviews, the District shall determine the Best Value by the points from STEP 4.</p> <p>If the District does not conduct interviews, the District shall determine the Best Value by the adding the points from STEP 2 and STEP 3 for the Firms that made it to STEP 3.</p> |
|---|

- 4.3. **Notification.** The District will notify Firms of their status upon completion of the process via a written letter from the District.
- 4.4. During the evaluation of the Responses, contact shall only be through the individual identified in the RFQ. Firms shall neither contact nor lobby evaluators during the evaluation process. Attempts by a Firm to contact and/or influence the District may result in disqualification of that Firm.
- 4.5. The District reserves the right to contract with any Contractor responding to this RFQ for the Project, to reject any Response as non-responsive, and not to contract with any Contractor for the Services described herein. The District makes no representation that participation in the RFQ process will lead to an award of contract or any consideration whatsoever. The District reserves the right to seek Responses from or to contract with any Contractor not participating in this process. The District shall in no event be responsible for the cost of preparing any SOQ. The District reserves the right to adjust the structure of the Project and to request a successful Contractor provide initial pricing information, general conditions, partial construction services, etc., by phase within the Project.
- 4.6. All SOQs will become the property of the District and subject to the California Public Records Act, Government Code sections 6250, et seq. Those elements in an SOQ that are trade secrets as that term is defined in Civil Code section 3426.1(d) or otherwise exempt by law from disclosure and which are prominently marked as "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY" may not be subject to disclosure. The District shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. A Contractor that indiscriminately identifies all or most of its SOQ as exempt from disclosure without justification may be deemed non-responsive. In the event the District is required to defend an action on a Public Records Act request for any of the contents of an SOQ marked "Confidential," "Proprietary," or "Trade Secret," the Contractor agrees, by submission of its SOQ, to defend and indemnify the District from all costs and expenses, including attorneys' fees, in any action or liability arising under the Public Records Act.

Attachment 1

PROJECT DESCRIPTION, ANTICIPATED SCHEDULE, AND ANTICIPATED CONSTRUCTION (HARD COST) BUDGETS

The new Science Center will be located at Santa Ana College Campus, 1530 West 17th Street, Santa Ana, CA 92706. The building is a new three (3) story building, approximately 67,000 square feet. It will house modern laboratories, classrooms, lecture classrooms and Division/Faculty offices. Programs include:

- Division Office
- Faculty Offices
- (2) Standard Classrooms
- (1) Large Classroom
- (1) Divisible Classroom
- (1) Computer Lab
- (1) Engineering Lab & Support Space
- (6) Biology Labs & Support Spaces
- (2) Geology Labs & Support Space
- (5) Chemistry Labs & Support Spaces
- (1) Physics Lab & Support Space
- (1) Science Learning Center
- Student Collaboration Areas

Please use the link below to download a copy of the DSA submission drawings and specifications for your information.

<https://www.dropbox.com/sh/ftac5ckpodqc882/AAC37p-FEMJaL1i3hrSImp1a?dl=0>

The anticipated Project schedule is as follows (subject to change):

| | |
|---|--------------------|
| DSA approval of Project plans and specifications | June 20, 2017 |
| District selects pool of Contractors | July 18, 2017 |
| District issues RFP to pool of Contractors | July 19, 2017 |
| Deadline for Contractors to submit Proposal with complete Guaranteed Project Cost | September 15, 2017 |
| District's Board awards contract to successful Contractor | October 23, 2017 |
| District issues Notice to Proceed to Contractor for Project | October 30, 2017 |
| Contractor completes construction of the Project | April 2020 |

The anticipated construction costs (hard costs) for the Project are \$48 million.

Attachment 2

PREQUALIFICATION APPLICATION

| CONTRACTOR (OR "FIRM") INFORMATION | | |
|---|-------------------|----|
| Contractor's company name: | | |
| Address: | | |
| Telephone: | Mobile telephone: | |
| E-mail: | | |
| Years in business under current company name: | | |
| Types of work performed with own forces: | | |
| Gross revenue of the Firm for the past three (3) years: | | |
| \$ | \$ | \$ |
| Submit an audited or reviewed financial statement for the past two (2) full fiscal years. 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. | | |
| Number of years this accounting firm has prepared financial statements for the Firm: | | |
| Number of years this accounting firm has prepared tax returns for the Firm: | | |
| Name of license holder exactly as on file with the California State License Board: | | |
| License classification(s): | | |
| License Number(s): | | |
| License expiration date(s): | | |
| Department of Industrial Relations registration number (Per Labor Code section 1725.5): | | |
| Number of years license holder has held the listed license(s): | | |
| Number of years Contractor has done business in California under contractor's license law: | | |
| Number of years Contractor has done business in California under current Contractor's license: | | |
| Has your Firm changed name(s) or license number(s) in the past five (5) years? (Y / N). If "yes", explain on a separate signed sheet, including the reason for the change. | | |
| Has there been any change in ownership of the Firm at any time in the past five (5) years? NOTE: A corporation whose shares are publicly traded is not required to answer this question. (Y / N). If "yes", explain on a separate signed sheet, including the reason for the change. | | |
| Is the Firm a subsidiary, parent, holding company, or affiliate of another construction firm? NOTE: Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your Firm holds a similar position in another firm. (Y / N). If "yes", explain on a separate signed sheet, the name of the related company(ies) and the percent ownership. | | |
| Indicate the form of Contractor's firm (type of business entity): | | |
| ___ Individual | | |
| ___ Sole Proprietorship | | |
| ___ Partnership | | |
| ___ Limited Partnership | | |
| ___ Corporation, State: _____ | | |
| ___ Limited Liability Company | | |

Joint Venture
 Other: _____

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Contractor's type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. Attach all additional information on separate signed sheets as needed.

| Name | Position | Years with Co. | % Ownership |
|------|----------|----------------|-------------|
| | | | |
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Identify every construction firm, contractor and/or construction management firm that the Contractor or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, RME etc.) at any time during the **past five (5) years** ("Associated Firm"). Include all additional references and/or information on separate signed sheets. NOTE: For this question, "owner" and "partner" refers 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. include all additional information on separate signed sheets as needed.

| Name of Person at Associated Firm | Name of Associated Firm | Contractor's License No. of Associated Firm | Dates of Person's Participation with Associated Firm |
|-----------------------------------|-------------------------|---|--|
| | | | |
| | | | |
| | | | |
| | | | |

CONTRACTOR'S BONDING COMPANY (SURETY) INFORMATION

Name(s) of bonding company(ies) your Firm has utilized over the past five (5) years (not broker or agency):

| |
|--|
| |
| |
| |

Address(es) of those bonding company(ies):

| |
|--|
| |
| |
| |

Number of years Contractor has been with those bonding company/surety:

| | | |
|--|--|--|
| | | |
|--|--|--|

Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:

E-mail of broker/agent:

Contractor's total current bonding capacity: \$

CONTRACTOR'S INSURANCE INFORMATION

Name of insurance company(ies) your Firm has utilized over the past five (5) years (not broker or agency):

| |
|--|
| |
| |
| |

Address of those insurance company(ies):

| |
|--|
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| |

"Best" rating(s) for those insurance company(ies):

| | | |
|--|--|--|
| | | |
|--|--|--|

Number of years Contractor has been with those insurance company(ies):

| | | |
|--|--|--|
| | | |
|--|--|--|

Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:

E-mail of broker/agent:

Contractor's current insurance limits for the following types of coverage:

| | | |
|--|--|----|
| Commercial General Liability | Combined Single Limit (per occurrence) | \$ |
| | Combined Single Limit (aggregate) | \$ |
| Product Liability & Completed Operations | (aggregate) | \$ |
| | (per occurrence) | \$ |
| Automobile Liability – Any Auto | Combined Single Limit (aggregate) | \$ |
| Automobile Liability – Any Auto | Combined Single Limit (per occurrence) | \$ |
| Employers' Liability | | \$ |
| Builder's Risk (Course of Construction) | | \$ |

Workers' Compensation Experience Modification Rate for the past five (5) premium years:

| | | |
|-------------------|-----|-----|
| (1) Current year: | (2) | (3) |
| | (4) | (5) |

QUESTIONS

Pass/Fail Questions (Essential Criteria)

| | | |
|----|---|-----------------------------------|
| 1. | Has your Firm contracted for and completed construction of a minimum of: <ul style="list-style-type: none"> • Three (3) Division of the State Architect-approved construction projects, • Each with a value of at least \$10,000,000, and • All within the past five (5) years? (Please circle "YES" or "NO"). <p>NOTE: You must list these projects in the "Contractor Project References" Section.</p> | YES NO NO = cannot prequalify |
| 2. | Has your Firm contracted for and completed construction of a minimum of: <ul style="list-style-type: none"> • Three (3) California community college, or other university or college (higher education) projects, • Each with a value of at least \$20,000,000, and • All within the past seven (7) years? (Please circle "YES" or "NO"). <p>NOTE: You must list these projects in the "Contractor Project References" Section.</p> | YES NO NO = cannot prequalify |
| 3. | Does your Firm currently hold all contractors' license necessary to perform the work and have those license(s) been consistently active for at least five (5) years without revocation or suspension? (Please circle "YES" or "NO"). | YES NO NO = cannot prequalify |
| 4. | Has your Firm or an Associated Firm been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years? (Please circle "YES" or "NO"). | YES NO YES = cannot prequalify |
| 5. | Has your Firm or an Associated Firm defaulted on a contract or been terminated for cause by any public agency on any project within California within the past five (5) years and, if so and if challenged, has that default or termination been upheld by a court or an arbitrator? (Please circle "YES" or "NO"). | YES NO YES = cannot prequalify |
| 6. | Has your Firm or an Associated Firm or any of their owners or officers been convicted of a crime under federal, state, or local law involving: <ul style="list-style-type: none"> (1) Bidding for, awarding of, or performance of a contract with a public entity; (2) Making a false claim(s) to any public entity; or (3) Fraud, theft, or other act of dishonesty to any contracting party within the past ten (10) years ? (Please circle "YES" or "NO"). | YES NO YES = cannot prequalify |
| 7. | Has a performance bond surety for your Firm or a performance bond surety for an Associated Firm had to: <ul style="list-style-type: none"> (1) Take over or complete a project, (2) Supervise the work of a project, or (3) Pay amounts to third parties, related to construction activities of your Firm or an Associated Firm within the past five (5) years? (Please circle "YES" or "NO"). | YES NO YES = cannot prequalify |



If you answered:
"NO" to questions 1-2 or
"YES" to questions 3-6, then STOP.
You are not eligible for prequalification at this time.

Scored Questions

| | | |
|----|---|----------------------|
| 1. | <p>Has your Firm paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), damages(s), and date(s).</p> | <u>YES</u> <u>NO</u> |
| 2. | <p>Has your Firm paid a premium of more than one percent (1%) for a performance and payment bond on any project(s) within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the premium amount(s), and date(s).</p> | <u>YES</u> <u>NO</u> |
| 3. | <p>Has any insurer had to pay amounts to third parties that were in any way related to construction activities of your Firm within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount(s) paid, and date(s).</p> | <u>YES</u> <u>NO</u> |
| 4. | <p>Has your Firm's Workers' Compensation Experience Modification Rate exceeded 1.0 at any time for the past five (5) premium years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the EMR(s) and the applicable date(s).</p> | <u>YES</u> <u>NO</u> |
| 5. | <p>Has there been a period when your Firm had employees but was without workers' compensation insurance or state-approved self-insurance within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the reason(s) for not having this insurance and the applicable date(s).</p> | <u>YES</u> <u>NO</u> |
| 6. | <p>Has your Firm declared bankruptcy or been placed in receivership within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the type of bankruptcy, the Firm's current recovery plan, and the applicable date(s).</p> | <u>YES</u> <u>NO</u> |
| 7. | <p>Has your Firm been denied bond coverage by a surety company, or has there been a period of time when your Firm had no surety bond in place during a public construction project when one was required within the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, provide details on a separate signed sheet indicating the date(s) when your Firm was denied coverage and the name of the company or companies which denied coverage; and the period(s) during which you had no surety bond in place.</p> | <u>YES</u> <u>NO</u> |
| 8. | <p>Has a project owner, general contractor, architect, or construction manager filed claim(s) in an amount exceeding \$50,000 against your Firm, or has your Firm filed claim(s) in an amount exceeding \$50,000 against a project owner, general contractor, architect, or construction manager in the past five (5) years? (Please circle "YES" or "NO").</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s) and the date(s) of claim(s).</p> | <u>YES</u> <u>NO</u> |

| | | |
|-----|---|-----------------------------|
| 9. | <p>Has your Firm or an Associated Firm been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code violations, within the past five (5) years? (Please circle "YES" or "NO").</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p> | <p><u>YES</u> <u>NO</u></p> |
| 10. | <p>Has your Firm been required to pay either back wages or penalties for its failure to comply with California's prevailing wage laws, with California's apprenticeship laws or regulations, or with federal Davis-Bacon prevailing wage laws within the past five (5) years? (Please circle "YES" or "NO").</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of employees who were initially underpaid and the amount of back wages and penalties that your Firm was required to pay.</p> | <p><u>YES</u> <u>NO</u></p> |
| 11. | <p>Does your Firm or an Associated Firm have any pending claims for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code violations? (Please circle "YES" or "NO").</p> <p>If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s), the date(s) of claim(s) and the status of the claim(s).</p> | <p><u>YES</u> <u>NO</u></p> |
| 12. | <p>Has your Firm been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past five (5) years? (Please circle "YES" or "NO").</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.</p> | <p><u>YES</u> <u>NO</u></p> |
| 13. | <p>Has Cal/OSHA and/or federal Occupational Safety and Health Administration cited and assessed penalties against your Firm, including any "serious," "willful" or "repeat" violations of safety or health regulations within the past five (5) years? (Please circle "YES" or "NO").</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.</p> | <p><u>YES</u> <u>NO</u></p> |
| 14. | <p>Does your Firm require weekly, documented safety meetings to be held for construction employees and field supervisors during the course of a project? (Please circle "YES" or "NO").</p> | <p><u>YES</u> <u>NO</u></p> |
| 15. | <p>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 Firm for use on any public work project for which you are awarded a contract by the District.</p> | |
| | | |
| | | |
| | | |

CONTRACTOR PROJECT REFERENCES

List **ALL** projects in which your Firm has participated as a contractor or first-tier subcontractor during the past **seven (7) years** with a Firm contract value of more than **\$5,000,000**.

- You may limit your response to the **thirty (30)** most-recently completed projects, but you **must** include all projects that satisfy the “**Pass/Fail Questions (Essential Criteria)**” requirements above.
- Include all information indicated below on separate signed sheets as necessary, and explain or clarify any response as necessary

| |
|--|
| Project name/identification: |
| Project address/location: |
| Project owner, contact person, and telephone: |
| Project architect name and telephone number: |
| If contractor was a subcontractor on the project, name of general contractor and telephone number: |
| Indicate if the project was under lease-leaseback, design-build, design-bid-build or other delivery structure: |
| Scope of work: |
| Original completion date: |
| Date completed: |
| Initial contract value (as of time of bid award): |
| Final contract value: |

CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: _____

Proper Name of Contractor: _____

Signature: _____

By: _____ (Print Name)

Title: _____

Attachment 3

DISTRICT'S SCORING OF BEST VALUE SELECTION PROCESS FOR CONTRACTORS

STEP 1 – PREQUALIFICATION SCORING

1. **Confirm Firm has passing answers for the “Pass/Fail Questions.”**
2. **Confirm Firm has submitted the required financial statements.** If not, notify Firm in writing that its SOQ is non-responsive for failing to include the required financial statements.
3. **Score the “Evaluated Questions.”**

| Topic/Question | Scoring & Max. Poss. Score | | Score |
|-----------------------------|---|-----------|--------------|
| 1. Liquidated Damages | No = 8 points; Yes = 0 points | 8 | |
| 2. Surety Premium | No = 2 points; Yes = 0 points | 2 | |
| 3. Insurer Pay | No = 2 points; Yes = 0 points | 2 | |
| 4. EMR | No = 2 points; Yes = 0 points | 2 | |
| 5. Workers' Comp. | No = 2 points; Yes = 0 points | 2 | |
| 6. Bankruptcy | No = 8 points; Yes = 0 points | 8 | |
| 7. Denied Bond | No = 8 points; Yes = 0 points | 8 | |
| 8. Filed Claims | No = 8 points; Yes = 0 points | 8 | |
| 9. Labor Code Citations | No = 2 points; Yes = 0 points | 2 | |
| 10. Back Wages or Penalties | No = 2 points; Yes = 0 points | 2 | |
| 11. Pending DIR Claims | No = 2 points; Yes = 0 points | 2 | |
| 12. EPA Citations | No = 2 points; Yes = 0 points | 2 | |
| 13. OSHA Citations | No = 2 points; Yes = 0 points | 2 | |
| 14. Safety Meetings | Yes = 2 points; No = 0 points | 2 | |
| 15. Apprenticeship Program | Listed = 2 points; None listed = 0 points | 2 | |
| Total Score | | 54 | |

STEP 2 – SOQ SCORING

The following scoring will be used in evaluating the Firm’s SOQ responses to the following criteria, which will be determined by reviewing all portions of the SOQ, including the “Content of SOQs” section of the RFQ.

| Item | Description | Maximum Qualification Points | Firm’s Qualification Points |
|---|--|-------------------------------------|------------------------------------|
| 1. Science Center Projects | Firm demonstrates past experience with laboratory features including complicated mechanical, electrical and plumbing systems. | 80 | |
| 2. Past Projects | Firm demonstrates past experience on K-14 projects. | 70 | |
| 3. Compensation | Firm’s Compensation information provided is competitive and within the District’s past experience for compensation for similar construction projects. | 60 | |
| 4. LLB Projects | Firm demonstrates past experience and expertise with LLB process. | 50 | |
| 5. Personnel | Firm’s team members, especially team leaders, demonstrate applicable experience and expertise to perform Services. | 30 | |
| 6. CSWPA / Local Community / Student Outreach | Firm demonstrates involvement in community and efforts at community, student, and veteran outreach. Past experience with project labor agreements, workforce agreements, etc.. | 25 | |
| 7. Budget | Firm demonstrates past experience and expertise to manage costs and stay within budgets on LLB projects. | 20 | |
| 8. Schedule | Firm demonstrates ability on LLB projects to prepare and meet achievable construction schedules schedule management procedures, and successful handling of potential delays. | 20 | |
| 9. Financial Capability | Firm demonstrates financial stability for the Project. | 20 | |
| 10. Approach to Work | Firm demonstrates how it intends to work with the District and develop management techniques related to the District’s educational program requirements. | 10 | |
| 11. Environmental | Firm indicates its past experience performing in an environmentally responsible manner. | 5 | |
| 12. Firm Education | Firm describes its commitment to ongoing professional education. | 5 | |
| 13. Current Work Commitments | Firm describes current and projected workload. | 5 | |
| 14. Additional Information | Strength of additional information provided by Firm. | 5 | |
| Total Score | | 405 | |

STEP 3 – REFERENCES SCORING

1. Contacts references from the Firm’s response to the “**Contractor Project References**” section of the Prequalification Application and scores those responses.
2. Fill out the information in Section I of the Qualification Evaluation – Reference Form and then call the contact person.
3. Ask the questions in Section II of the Qualification Evaluation – Reference Form. Ensure that you obtain the information regarding whether the Firm’s performance in that area was “unsatisfactory,” “below average,” “average” or “above average.” Assign the corresponding score for each answer in Section III.
4. Complete Section III of the Qualification Evaluation – Reference Form with the information received during the call.
5. Use a separate Qualification Evaluation – Reference Form for each call.
6. Make three (3) complete reference calls for each Firm.
7. Enter the “Total Score for This Project” of all the Qualification Evaluation – Reference Forms for that Firm into an “Averaging” Worksheet.

| Sample “Averaging” Worksheet for 3 reference calls per Firm – See next page | |
|--|--|
| “Total Score For This Project” from first call | |
| “Total Score For This Project” from second call | |
| “Total Score For This Project” from third call | |
| Total | |
| Total divided by three (÷ 3) [DIVIDE SCORE BY NUMBER OF CALLS] | |
| This is the score for the Firm for the References Step in the evaluation process. | |

STEP 3 – REFERENCES SCORING (CONTINUED)

References – Qualification Evaluation Form

Section I - General Project Information

| | |
|-------------------------|---|
| Name of Firm: | Total Contract Costs: |
| | Contract Start/End Dates: |
| Project Title: | Actual Completion Date: |
| Scope of Work: | |
| Name of Public Agency: | Telephone Number of Contact Person: |
| Name of Contact Person: | Date and Time of Interview of Contact Person: |
| Architect Firm: | Principal Architect in Charge of Project: |

Section II – Telephone Interview Questions

1. **Quality of Work.** Were there quality-related problems on the project? Were these problems attributable to the Firm? Was the Firm cooperative in trying to resolve problems?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

2. **Scheduling.** Rate the Firm's performance with regard to adhering to project schedules. Did the Firm meet the project schedule? If not, was the delay attributable to the Firm?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

3. **Subcontractor (Project) Management.** Rate the Firm's ability to manage and coordinate subcontractors (if no subcontractors, rate the Firm's overall project management). Was the Firm able to effectively resolve problems?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

STEP 3 – REFERENCES SCORING (CONTINUED)

4. **Change Orders.** Rate the Firm's performance with regard to change orders and extras. Did the Firm unreasonably claim change orders or extras? Were the Firm's prices on change orders and extras reasonable?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

5. **Working Relationships.** Rate the Firm's working relationships with other parties (i.e. owner, designer, subcontractors, etc.). Did the Firm relate to other parties in a professional manner?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

6. **Responsiveness.** Rate the Firm's responsiveness to telephone calls, emails, meetings, requests for action, etc. Did the Firm respond to inquiries promptly and substantively?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

7. **On-Site Firm Staff.** Rate the Firm's on-site staff relating to their management of the site, communication and interaction with owner's staff, and familiarity with project scope and status.

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

8. **Paperwork Processing.** Rate the Firm's performance in completing and submitting required project paperwork (i.e. submittals, drawings, requisitions, payrolls, etc.). Did the Firm submit the required paperwork promptly and in proper form?

Response:

Unsatisfactory Below Average Average Above Average

Comments/Examples (Optional) _____

STEP 3 – REFERENCES SCORING (CONTINUED)

Section III - Numerical Rating

If the contact person rates the Firm unsatisfactory in any area, please attempt to provide written comments in Section II to explain the rating(s) assigned.

Firm's Name: _____

| | Unsatisfactory | Below Average | Average | Above Average | Rating |
|-------------------------------------|-----------------------|----------------------|----------------|----------------------|---------------|
| 1. Quality of Work | 0 | 5 | 15 | 20 | |
| 2. Scheduling | 0 | 5 | 10 | 15 | |
| 3. Subcontractor (Project) Mgt. | 0 | 5 | 10 | 15 | |
| 4. Change Orders | 0 | 5 | 10 | 15 | |
| 5. Working Relationship | 0 | 5 | 10 | 15 | |
| 6. Responsiveness | 0 | 5 | 10 | 15 | |
| 7. On-Site Staff | 0 | 5 | 10 | 15 | |
| 8. Paperwork Processing | 0 | 2 | 5 | 10 | |
| 9. Value Engineering | 0 | 2 | 5 | 10 | |
| Total Score for This Project | | | | | |

STEP 4 – INTERVIEW SCORING

Firms meeting or exceeding the minimum total qualification points through Step 3 will be invited to interview with the District. The subject matter for the interview will be at the District’s discretion but shall include, at a minimum, the following topics.

| Item | Maximum Qualification Points | Qualification Points |
|--|------------------------------|----------------------|
| <p>1. Past Projects/Experience: Firm’s articulation of Firm’s history, education, and background; Firm’s experiences working with similar, past projects; issues faced and how addressed (i.e. claims, bonding/surety involvement, owner relations, citations, etc.); and questions, concerns, and highlights from the SOQ.</p> | <p>35</p> | |
| <p>2. Current Project: Firm’s articulation of how it will construct the Project, its ideas related to constructability, and other construction-specific ideas, concerns, or related issues (i.e. schedules, budgets, subcontractor selection, etc.).</p> | <p>30</p> | |
| <p>3. Overall Ability and General Suitability. Firm’s articulation of its overall skills, ability to complete the Project, and general suitability for the District’s purposes (i.e. implementation of District policies and procedures, compliance with District Programs, political atmosphere, additional information, etc.)</p> | <p>25</p> | |
| <p>4. Personnel/Leadership: Firm’s articulation of its Project-designated personnel, leadership, subcontractor relations, apprenticeship program, etc.</p> | <p>20</p> | |
| <p>SUBTOTAL QUALIFICATION POINTS FROM STEP 4</p> | <p>110</p> | |

Attachment 4

SUBCONTRACTOR PROCUREMENT PROCESS
(CONTRACTORS MUST FOLLOW FOR SUBSEQUENT RFPs)

Note – District reserves the right to make revisions to the form as necessary prior to issuance of the RFP.

Bidding for Subcontractor Work. A request for proposal (“RFP”) that is later issued by the District shall require the Contractor to prequalify some or all subcontractors and to comply with the requirements for the procurement of Subcontractors set forth herein and as further detailed in the RFP. The Subcontractor procurement process may be adapted by the District as needed for the Project. The Subcontractor procurement process may be one or a combination of the following processes:

- **One Step Process of Low-Bid or Best-Value or Combination of Both.** The RFP may ask for a lump-sum cost for the Project and the District will select the Contractor on a low-bid basis, a best-value basis, or a combination of both. All Contractors’ subcontractors in excess of ½ of 1% of that lump sum cost shall be identified in the Contractors’ proposal and shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act. (Public Contract Code § 4100, et seq.)

- **Two-Step Process of Low-Bid or Best-Value or Combination of Both.**

Step 1. The RFP may ask Contractors to provide 1) some initial pricing information (e.g., general conditions, partial construction services, etc.) and 2) some subcontractors be identified in the proposal. The District will select the Contractor on a low-bid basis, a best-value basis, or a combination of both.

Step 2. The selected Contractor, when directed later by the District, shall provide a final lump sum guaranteed project cost. At that time, the District will inform the Contractor whether the Contractor will award the subcontracts on a low-bid basis, a best-value basis, or a combination of both. Also at that time, the successful Contractor shall provide notice of bidding for all remaining subcontractors “in accordance with the publication requirements applicable to the District’s competitive selection process.” **The District intends to work with the successful Contractor for each Project to issue an advertisement to solicit Subcontractors in compliance with statutory requirements and the District’s process.**

Best-Value Process for Subcontractor Selection. If the District directs the selected Contractor to award some or all of its subcontracts on a best value basis, the Contractor shall utilize at a minimum the following best value criteria and process:

| Best Value Criteria for Subcontractors | Required Response for a Subcontractor to Qualify |
|--|--|
| 1. Has the subcontractor performed at least two (2) public works subcontracts for at least 90% of the value of the current subcontract? | Yes |
| 2. Has the subcontractor (MEP only) performed at least two (2) subcontracts for similar laboratory building typology? | Yes |
| 3. Has the subcontractor been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years? | No |
| 4. Has the subcontractor defaulted on a contract, been substituted off a project after beginning performance, or been terminated for cause by any prime contractor or public agency on any project within California during the past five (5) years and has that default, substitution or termination been upheld by a court or an arbitrator? | No |

| | |
|---|-----------|
| 5. Has the subcontractor paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past five (5) years? | No |
| 6. Has the subcontractor's Workers' Compensation Experience Modification Rate exceeded 1.25 at any time for the past five (5) premium years? | No |