

CITY OF MILPITAS
Request for Prequalification for
FIRE STATION NO. 2 REPLACEMENT
PROJECT NO. 3447

Prequalification Packages Due
January 28, 2020 at 2:00 PM
at the 455 E. CALAVERAS BLVD,
MILPITAS, CA 95035



For information, contact:

CITY OF MILPITAS
ENGINEERING DEPARTMENT
LYHAK EAM, P.E.
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**NOTICE REQUESTING PREQUALIFICATION PACKAGES FOR FIRE STATION NO.2 REPLACEMENT
PROJECT AND PROCEDURES FOR PREQUALIFICATION**

Notice is hereby given that the City of Milpitas (“City”) has determined that all contractors bidding on its FIRE STATION NO.2 REPLACEMENT PROJECT (“Project”) must be prequalified prior to submitting a bid for the Project.

PROJECT DESCRIPTION

The City is seeking a general contractor (“Contractor”) experienced in public building construction services to build a new Fire Station No.2 located at 1263 Yosemite Drive, Milpitas, CA 95035. The Project consists of construction of a new, single-story, 10,300 SF, wood framed fire station facility on approximately 1-acre site. The work includes, but not limited to, site improvement, building structure, interior partitions, casework and finishes, mechanical, electrical, plumbing and fire protection system.

The cost of the Project is estimated between **\$ 11,000,000 and \$ 13,000,000.**

The anticipated prequalification and bid schedule is summarized as follows

Date	Milestone
01/08/2020	Request for Bidders Prequalification issued.
01/21/2020	Deadline for Request for Clarifications.
01/28/2020	Prequalification Package Due Date from Contractors.
01/31/2020	Notice of Prequalified bidder list.
02/06/2020	Last day to appeal City’s decision and deliver notice of appeal to City
02/13/2020	Last day for appeals to be heard by City.
03/17/2020	City adopts approved bidders list.
April/May 2020	Bid advertisement
May/June 2020	Bid Opening
June/August 2020	Contract Award

PREQUALIFICATION PROCEDURES

It is mandatory that all Contractors who intend to submit bids for the Project fully complete a prequalification package (“Prequalification Package”), including but not limited to the prequalification questionnaire, provide all materials requested herein and be approved by the City to be on the final bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on the Project as a joint venture, each entity within the joint venture must be separately qualified to bid.

The completed Prequalification Package must be delivered to and received by City no later than

January 28, 2020 at 2:00 P.M. Prequalification Packages must include three (3) hard copies and one (1) electronic copy on a disk or USB drive, and be submitted under seal and marked **“CONFIDENTIAL: FIRE STATION NO.2 REPLACEMENT PROJECT – Contractor Prequalification Package”** to the City of Milpitas City Hall, 455 E. Calavera Boulevard, Milpitas, CA 95035 to the attention of **Lyhak Eam, P.E.**, Engineering Department by the date and time specified above. City will notify all respondents of the result of the prequalification process in writing.

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents in order to rate Contractors with respect to their qualifications to bid on the Project. City reserves the right to check any other sources available to verify Contractor’s statements, prior performance and veracity. City’s decision will be based on objective evaluation criteria identified herein.

While it is the intent of the Prequalification Package and documents required therewith to assist the City in determining bidder responsibility prior to bid and aid City in selecting the lowest responsible bidder for construction of the Project, neither the fact of prequalification, nor any prequalification rating, will preclude City from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

The Prequalification Packages submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law; however, the contents may be disclosed to third parties for the purpose of verification, investigation of allegations that may impact Contractor’s prequalification status, and in the process of an appeal hearing. State law provides that the names of contractors applying for prequalification status are public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. The Contractor shall provide only complete and accurate information. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the City and provide updated accurate information in writing and under penalty of perjury. The City may verify any or all information provided in completed Prequalification Packages, consider information provided by sources other than the prospective bidder, and conduct such investigations as the City deems appropriate to assist in the evaluation of Contractor’s responsibility, qualifications and financial capacity.

The City will evaluate all completed Prequalification Packages on a Pass/Fail basis as well as a points-based rating system. In order to prequalify for this Project, Contractor must obtain a “Pass” rating on all of the criteria set forth in Part 2 and meet the minimum rating requirements of the City in Part 3 and 4. Those Contractors who do not obtain a “Pass” rating for all of the criteria in Part 2 will not be prequalified to participate in bidding for the contract to perform the Project regardless of the scores

obtained in Part 3 and 4. A score sheet for Part 3 and 4 is included as Attachment B in the Prequalification Package.

The City reserves the right to reject any or all Prequalification Packages and to waive any irregularities in any Prequalification Package submittal. The City reserves the right to determine that any Contractor is not qualified at any time before or after the Prequalification Packages are received and evaluated if it finds that information provided therein is inaccurate, misleading or false, or upon evidence of collusion or other illegal practices on the part of a Contractor. The City, in its sole discretion, expressly reserves the right to cancel the prequalification process at any time, including but not limited to, after the deadline for the receipt of Prequalification Packages, reject any Prequalification Package received by the City and competitively bid the Project without first prequalifying bidders. The City reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification rating. The City may conduct a final review of the information submitted by the Contractor just prior to the award of the bid to confirm that the information submitted has not changed.

A Contractor who has submitted a completed Prequalification Package, and who receives a rating of “not qualified” from the City may appeal that determination. There is no appeal from a finding that a Contractor is not prequalified because of a failure to submit required information. A Contractor may appeal the City’s decision with respect to its request for prequalification, and request a hearing, by giving written notice of appeal and submitting a deposit of \$1,000 to the City no later than Five (5) working days after City’s issuance of the written notice of the Contractor’s qualification status. Unless City receives the written notice of appeal and deposit within the time specified above, the Contractor waives any and all rights to challenge the qualification decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten (10) working days after the City’s receipt of the Contractor’s Notice of Appeal and the \$1,000 filing deposit. The hearing so provided shall be an informal process conducted by a panel to whom the City has delegated responsibility to hear such appeals (the “Appeals Panel”). At or prior to the hearing, the Contractor will be advised of the basis for the City’s prequalification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the prequalification determination. At the conclusion of the hearing or no later than two (2) working days after completion of the hearing, the Appeals Panel will render its decision, which will be final and binding. It is the intention of the City that the date for submission and opening of bids for the Project will not be delayed or postponed to allow for completion of an appeal process. If the Contractor’s appeal is rejected by the Appeals Panel, the Contractor’s \$1,000 filing deposit shall be forfeited to the City. Otherwise the deposit will be returned to the Contractor following issuance of the Appeals Panel’s decision.

The Prequalification Package, its completion and submission by the Contractor, and its use by the City, shall not give rise to any liability on the part of the City to the Contractor or any third party or person.

This is not a solicitation for bid. The Contractor accepts all risk and cost associated with the FIRE STATION NO.2 REPLACEMENT PROJECT

completion of the Prequalification Package without financial guarantee.

A Contractor may be found not prequalified for either omission of requested information or falsification of information.

CITY OF MILPITAS
STATEMENT OF QUALIFICATIONS
PREQUALIFICATION QUESTIONNAIRE FOR
FIRE STATION NO.2 REPLACEMENT PROJECT

PART I. CONTACT INFORMATION

Full Name of Contractor (as it appears on license):		
Type of Organization (Corporation, Partnership, Sole Proprietor, etc.):		
Corporate Tax ID No.:		
Is the corporation currently registered and in good standing with the State of California Secretary of State?		
Street Address of Contractor:		
City:	State:	Zip:
Contractor's Contact Person:		
Phone:	Cell Phone:	Fax:
Email Address:		
Contractor's License Number(s):		
If firm is a sole proprietor or partnership: Owner(s) of Company:		

PART II. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “yes.”¹ An answer “no” to any of questions 6 through 9 will be rated “Fail” and the Contractor will be immediately disqualified.

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

Yes No

2. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

3. At the time of submitting this prequalification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

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

4. At any time during the last five years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

5. Is your current company Experience Modification Rate (EMR) greater than 1.25?

Yes No

Note: Documentation is required. If it is not attached, this question will be scored as if a “Yes” answer was given.

6. Contractor possesses a valid and current California Contractor’s license for Class B?

Yes No

7. Contractor shall comply with and provide all insurance as defined in Attachment A, Insurance Requirements.

Yes No

8. Have you attached your latest copy of a reviewed unaudited or audited financial statement with accompanying notes and supplemental information?

Yes No

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

9. Has your firm completed at least three (3) Essential Services Buildings as defined in the California Health and Safety Code section and the California Administration Code, Chapter 4, Article 1 Essential Services Buildings projects of at least \$10 million total combined completed volume within the last 60 months (at least 3 references):

Yes No

If the answer is Yes, Please list the projects below.

<p>The below information shall be used by the City to contact the Owners, or its representative, as applicable, on each of the below-listed projects to confirm that the above requirements have been met and to ask the authorized representative of the Owner, as applicable, who has personal knowledge of Contractor's performance and is able to provide an informed response to the following question: "Would you recommend the Contractor for employment on another project? Please respond 'yes' or 'no.'" As set forth above, an answer of "no or no comment" will be rated a "Fail" and the Contractor will be deemed not prequalified.</p>			
Project No. 1			
Project Name:			
Owner:			
Describe Type of Construction:			
Total Contract Amount: \$			
Construction Time (in calendar days):			
Owner's Representative:			
Owner's Representative Telephone No.:			
Owner's Representative Email:			
Construction Manager (if applicable):			
Construction Manager Telephone No.			
Construction Manager Email:			
Date of Notice to Proceed:			
Date of Completion (NOC or other formal written acceptance by the awarding body):			
Additional Notes from Contractor:			
<p>To be completed by City: Recommend Contractor?</p>		<input type="checkbox"/> Yes	<input type="checkbox"/> No

Project No. 2		
Project Name:		
Owner:		
Describe Type of Construction:		
Total Contract Amount: \$		
Construction Time (in calendar days):		
Owner's Representative:		
Owner's Representative Telephone No.:		
Owner's Representative Email:		
Construction Manager (if applicable):		
Construction Manager Telephone No.		
Construction Manager Email		
Date of Notice to Proceed:		
Date of Completion (NOC or other formal written acceptance by the awarding body):		
Additional Notes from Contractor:		
To be completed by City: Recommend Contractor?		<input type="checkbox"/> Yes
		<input type="checkbox"/> No
Project No. 3		
Project Name:		
Owner:		
Describe Type of Construction:		
Total Contract Amount: \$		
Construction Time (in calendar days):		
Owner's Representative:		
Owner's Representative Telephone No.:		
Owner's Representative Email:		
Construction Manager (if applicable):		
Construction Manager Telephone No.		
Construction Manager Email:		
Date of Notice to Proceed:		

Date of Completion (NOC or other formal written acceptance by the awarding body):		
<i>Additional Notes from Contractor:</i>		
<i>To be completed by City: Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>To be completed by City: Other Sources not provided by contractor-Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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

HISTORY AND ORGANIZATION PERFORMANCE

1. Has there been any change in ownership of the firm at any time during the last three years:

Yes No

If "yes" explain on a separate signed page.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

Yes No

If "yes" explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms currently or in the last five years?

Yes No

If "yes" explain on a separate signed page.

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

Year 20____, Gross Revenue_____

Year 20____, Gross Revenue_____

Year 20____, Gross Revenue_____

Three year average gross revenue: _____

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

_____Years

6. Is your firm currently the debtor in a bankruptcy case? (6 points possible)

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

7. Was your firm in bankruptcy at any time during the last five years? (3 points possible)
(This question refers only to a bankruptcy action that was not described in answer to question 6, above)

Yes No

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

LICENSES

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

Contractor must possess a valid Class A contractor's license to be considered.

9. Has your firm changed names or license number in the past five years? (6 points possible)

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

10. 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? (3 points possible)

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

DISPUTES

11. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner (5 points possible)?

Yes No

If "Yes", how many projects with liquidated damages of \$5,000 or more: _____ projects

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.

- 12. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason (5 points possible)?**

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

Yes No

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

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

Yes No

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.

- 14. In the past five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration (5 points possible)?**

Yes No

If "Yes", number of claims: _____ claims

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).

- 15. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private (5 points possible)?**

Yes No

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.

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

Yes No

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

CRIMINAL MATTERS AND RELATED CIVIL SUITS

17. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity (5 points possible)?

Yes No

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.

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

Yes No

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.

19. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty (5 points possible)?

Yes No

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

BONDING

20. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required (5 points possible)?

Yes No

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 that denied coverage; and the period during which you had no surety bond in place.

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

21. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years (5 points possible)?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

“Yes”, number of times penalized: _____

If “yes,” attach 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.

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

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

Yes No

If “Yes”, number of times penalized: _____times penalized

If “yes,” attach a separate signed page describing the citations.

23. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years (5 points possible)?

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

Yes No

If “Yes”, number of times penalized: ___times penalized

If “yes,” attach a separate signed page describing the citations.

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

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

Yes No

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

PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE RECORD

26. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws (5 points possible)?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

Yes No

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

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.

27. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements (5 points possible)?

Yes No

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

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.

28. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works (5 points possible)?

Yes No

If "Yes", number of violations: _____ violations

NOTE: You may omit reference to any incident that occurred prior to January 1, 2007, 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.

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

PART IV. PROJECT EXPERIENCE

A. Current Status of Open Construction Projects

Complete the following form (make copies as required) for all open contracts valued at \$ 3 M or more. **Please indicate which projects involve Essential services Buildings as defined in the California Health and Safety Code Section and the California Administrative Code, Chapter 4, Article 1 Essential Services Buildings in the “Project Name & Type of Work” column.**

Project Name & Type of Work	Owner Name	Owner Representative		Original Contract Value	Estimated Contract Completion Value (incl. change orders to date)	Percent Currently Complete	Original Completion Date	Estimated Completion Date
		Name	Phone No.					

B. Recent Construction Projects Completed

Complete the following form (make copies as required) for all contracts valued at \$ 5 M or more that were completed within the past five (5) years. **Please indicate which projects involve Essential services Buildings as defined in the California Health and Safety Code Section and the California Administrative Code, Chapter 4, Article 1 Essential Services Buildings in the “Project Name & Type of Work” column.**

Project Name & Type of Work	Owner Name	Owner Representative		Original Contract Value	Contract Completion Value (incl. change orders to date)	Original Completion Date	Final Completion Date
		Name	Phone No.				

C. Project Experience – Interview Questions

The following questions will be used to interview randomly selected contacts from at least two (2) completed projects. The Contractor shall provide additional references upon request of City. City will conduct the interviews. No action on the Contractor's part is necessary. These questions are included in the package to the Contractor for information only.

The highest possible score is 130 points per project. An average score of 95 or higher for two (2) projects is required for prequalification. An average score of less than 80 points on the projects will automatically disqualify a Contractor. If the average score is between 80 to 94, City will conduct two (2) additional interviews of other references to obtain two (2) additional scores. If the average score of the two (2) additional interviews is less than 95, the Contractor will be automatically disqualified.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the Contractor that are currently unresolved on contracts for which notices of completion have been recorded? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points).
2. On a scale of 1-10, with 10 being the best, did the Contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the Contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the Contractor timely in providing reports and other paperwork, including certified payroll, submittals and schedule updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the Contractor adhere to the project schedule that your agency approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "yes")

Or, if the answer is "no", on a scale of 1-10, with 10 being the best, to what extent was the Contractor responsible for the delay in completion? (For example: 1 if the Contractor was completely responsible or 10 if the Contractor was not responsible at all)?
8. On a scale of 1-10, with 10 being the best, rate the Contractor on the Contractor's proactivity in identifying change order work and the Contractor's timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)

9. On a scale of 1-10, with 10 being the best, rate the Contractor on how well the Contractor performed the work after a change order was issued and how well the Contractor integrated the change order work into existing work. (Max. 10 points)
10. On a scale of 1-10, with 10 being the best, rate how the Contractor performed in turning in Operations & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the Contractor on whether there were an unusually high number of claims or disputes (with your agency or subcontractors or vendors), given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the best, rate the Contractor with respect to timely payments by the Contractor to subcontractors and suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be 10.)
13. On a scale of 1-10, with 10 being the best, rate the Contractor with respect to safety. Was shoring provided properly, were lock / out tag out procedures followed, did the Contractor provide routine safety training? (Max. 10 points)
14. On a scale of 1-10, with 10 being the best, how would you rate the overall quality of the Contractor's work and the contractor's ability to work cooperatively? (Max. 10 points)

* * * * **AFFIDAVIT** * * * *

We, the undersigned, _____ (name) as the authorized representatives for _____ (company) an interested Contractor for the City of Milpitas's prequalification process for the FIRE STATION NO. 2 REPLACEMENT, PROJECTNO. 3447, do hereby attest that all statements and representations made herein are true and correct to the best of our knowledge. These statements are made openly and freely without intent to influence or embellish actual conditions or circumstances that occurred. I declare under penalty of perjury under the laws of the State of California that the foregoing is correct. We understand that the City will investigate any and all statements and representations made by us and our firm in this prequalification questionnaire and we freely give our permission for them to do so. Should releases be required by any of our professional, financial, or bonding institutions to release verification of the enclosed data, we have provided them. We agree to waive any claims against the City and/or any third party designated by the City for the release of the information necessary to evaluate this Statement of Qualifications.

We further understand that any false statement or representations made in this application will result in disqualification of our firm as a prequalified contractor. If it is determined that these false statements or representations were purposefully made to change, hide, or obscure negative information from the City in an attempt to qualify under these false pretenses, the action will result in loss of eligibility for our firm to qualify for any City of Milpitas contracts for a minimum period of one (1) year and a maximum period of five (5) years from the date of discovery.

(Name and Title)

(Signature)

Attested: _____ Corporate Seal

(Name and Title)

(Signature)

Date:

END OF QUESTIONNAIRE

ATTACHMENT A – INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an “X” indicated in the space before the requirement apply to Contractor’s or Consultant’s Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit G. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor’s or Consultant’s insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

Coverage at least as broad as Insurance Services Office (“ISO”) Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto),

with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

(If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

Insurance appropriate to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

___ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

- Bid Bond
- Performance Bond
- Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

Additional Insured Status and Primary/Non-Contributory Language:

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

Notice of Cancellation, Suspension or Otherwise Voiding Policies:

FIRE STATION NO.2 REPLACEMENT PROJECT

Prequalification Attachments A & B

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

X Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

X Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions (“SIR”):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

ATTACHMENT B

LIST OF SCORABLE QUESTIONS AND SCORING INSTRUCTIONS

Part II - History and Organizational Performance				
5	<p>How many years has your organization been in business in California as a contractor under your present business name and license number?</p> <p>3 years or less = 2 points 4 years = 3 points 5 years = 4 points 6 or more years = 5 points</p>	____ years		____ Points
6.	<p>Is your firm currently the debtor in a bankruptcy case? If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.</p> <p>2 or more cases = 0 points 1 case = 3 points 0 cases = 6 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
7.	<p>Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 6, above) 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.</p> <p>"No" = 3 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
9.	<p>Has your firm changed names or license number in the past five years? (6 points possible)</p> <p>2 or more changes = 0 points 1 change = 3 points 0 change = 6 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Licenses				
10.	<p>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? If "yes," explain on a separate signed page, including the reason for the change.</p> <p>"No" = 3 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

11.	<p>At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?</p> <p>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.</p> <p>No projects with liquidated damages of more than \$5,000, or one project with liquidated damages = 5 points Two projects with liquidated damages of more than \$10,000 = 3 points Any other answer = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
12.	<p>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?</p> <p>NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.</p> <p>If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification 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.</p> <p>"No" = 5 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
13.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
<p>* * * * *</p> <p>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 subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.</p>				

14.	<p>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? 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).</p> <p>If the firm's average gross revenue for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" if more than 2 such instances.</p> <p>If your firm's average gross revenue for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances. 3 points for "Yes" indicating either 4 or 5 such instances. 0 points for "Yes" if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
15.	<p>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?</p> <p>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.</p> <p>5 points for either "No" or "Yes" indicating 1 such claim. 3 points for "Yes" indicating no more than 2 such claims Subtract five points for "Yes" if more than 2 such claims</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
16.	<p>In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.</p> <p>5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" or if more than 2 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Criminal Matters and Related Civil Suits				
17.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = <u>subtract 5 points</u></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

18.	<p>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? 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.</p> <p>“No” = 5 points “Yes” = <u>subtract 5 points</u></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
19.	<p>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? 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.</p> <p>“No” = 5 points “Yes” = <u>subtract 5 points</u></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
20.	<p>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? 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 that denied coverage; and the period during which you had no surety bond in place.</p> <p>“No” = 5 points “Yes” = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points
21.	<p>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. 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. If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either “No” or “Yes” indicating 1 such instance. 3 points for “Yes” indicating 2 such instances. 0 points for “Yes” if more than 2 such instances. If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances. 3 points for “Yes” indicating either 4 or 5 such instances. 0 points for “Yes” if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	___ Points

22.	<p>Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?</p> <p>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.</p> <p>If “yes,” attach a separate signed page describing each citation.</p> <p>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</p> <p>5 points for either “No” or “Yes” indicating 1 such instance.</p> <p>3 points for “Yes” indicating 2 such instances.</p> <p>0 points for “Yes” or if more than 2 such instances.</p> <p>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</p> <p>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</p> <p>3 points for “Yes” indicating either 4 or 5 such instances.</p> <p>0 points for “Yes” if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
23.	<p>Has the EPA or any Air Quality Management City 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?</p> <p>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.</p> <p>If “yes,” attach a separate signed page describing each citation.</p> <p>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</p> <p>5 points for either “No” or “Yes” indicating 1 such instance.</p> <p>3 points for “Yes” indicating 2 such instances.</p> <p>0 points for “Yes” or if more than 2 such instances.</p> <p>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</p> <p>5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.</p> <p>3 points for “Yes” indicating either 4 or 5 such instances.</p> <p>0 points for “Yes” if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
24.	<p>How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p> <p>3 points for an answer of once each week or more often.</p> <p>0 points for any other answer</p>	_____		____ Points

25.	<p>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?</p> <p>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.)</p> <p>5 points for either "No" or "Yes" indicating 1 such instance. 0 points for any other answer.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
26.	<p>Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?</p> <p>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.</p> <p>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.</p> <p>If your firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</p> <p>5 points for either "No," or "Yes" indicating either 1 or 2 such instance.</p> <p>3 points for "Yes" indicating 3 such instances. "</p> <p>0 points for "Yes" and more than 3 such instances.</p> <p>If your firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</p> <p>5 points for either "No" or "Yes" indicating no more than 4 such instances.</p> <p>3 points for "Yes" indicating either 5 or 6 such instances.</p> <p>0 points for "Yes" and more than 6 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

27.	<p>During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?</p> <p>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.</p> <p><i>If your firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</i> <i>5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.</i> <i>3 points for “Yes” indicating 3 such instances. “</i> <i>0 points for “Yes” and more than 3 such instances.</i> <i>If your firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</i> <i>5 points for either “No” or “Yes” indicating no more than 4 such instances.</i> <i>3 points for “Yes” indicating either 5 or 6 such instances.</i> <i>0 points for “Yes” and more than 6 such instances.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
28.	<p>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?</p> <p><i>NOTE: You may omit reference to any incident that occurred prior to January 1, 2007, 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.</i></p> <p>If “yes,” provide the date(s) of such findings, and attach copies of the Department’s final decision(s).</p> <p><i>If your firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</i> <i>5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.</i> <i>3 points for “Yes” indicating 3 such instances. “</i> <i>0 points for “Yes” and more than 3 such instances.</i> <i>If your firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</i> <i>5 points for either “No” or “Yes” indicating no more than 4 such instances.</i> <i>3 points for “Yes” indicating either 5 or 6 such instances.</i> <i>0 points for “Yes” and more than 6 such instances.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

**CITY OF MILPITAS FIRE STATION NO.2 REPLACEMENT PROJECT
PREQUALIFICATION EVALUATION**

Contractor Name: _____

	Evaluation Criteria	Required Rating	Actual Rating
Part II:	Essential Requirements	Pass	
Part III:	1 –20 History of Business and Organizational Performance 73 points possible	62 points	
	21 – 28 Safety, Prevailing Wage and Apprenticeship 38 points possible	27 points	
Part IV	130 points (per project)	95 points (average of two projects)	