

**JEFFERSON UNION HIGH SCHOOL DISTRICT
PREQUALIFICATION INFORMATION FOR PROSPECTIVE MEP SUBCONTRACTORS**

March, 2022

I. BACKGROUND AND OVERVIEW

Pursuant to Public Contract Code section 20111.6, all prospective first tier, electrical, mechanical, or plumbing subcontractors holding one of the following licenses, **C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46** (collectively "MEP subcontractors") must prequalify to perform work on lease-leaseback projects. Accordingly, the District requires prospective MEP subcontractors to: (1) complete a prequalification questionnaire on the form supplied by the District as **Attachment "1"** attached hereto ("Prequalification Questionnaire"); and (2) provide financial information to the District (collectively, the Prequalification Questionnaire and financial information are referred to as the "Prequalification Package").

Once the prequalification process is complete, the District will notify the MEP subcontractors who meet the prequalification requirements. Prequalification will be valid for one (1) calendar year following the date of initial prequalification. Subcontractors who are prequalified must update prequalification forms as their status or information changes.

The District reserves the right to: (1) Request that subcontractor(s) update prequalification forms at any time; (2) Revoke, rescind, and/or reuse the prequalification status of a subcontractor; and/or (3) use some or all of the information provided in the Prequalification Package for evaluation purposes.

A prime contractor may not use a MEP subcontractor that has not been prequalified by the District.

II. PREQUALIFICATION PROCESS

The following process will govern the conduct of MEP subcontractor prequalification for the aforementioned District projects. A subcontractor who submits a complete Prequalification Package thereby consents to and will comply with the procedures outlined below and as set forth in greater detail in this document.

A. **Submittal.** All prospective MEP subcontractors who wish to qualify to be listed by prime contractors for work on the projects shall submit a Prequalification Package in a sealed envelope to:

Jefferson Union High School District
Attn: Stefanie Phillips
699 Serramonte Boulevard, Suite #100
Daly City, CA 94015
"MEP Subcontractor Prequalification Response"

The District reserves the right to request, receive, and evaluate supplemental information after the above time and date at its sole discretion.

For information regarding the prequalification process, please email Stefanie Phillips at sphillips@jeffersonunion.net.

B. **Form.** Each subcontractor shall fully complete the Prequalification Package and timely submit all documents as indicated therein. Subcontractors must use the prequalification forms specified by the District to meet these requirements. Subcontractors shall submit one (1) completed Prequalification Package with required attachments in hard copy format on 8½" x 11" paper in a sealed envelope as indicated above. Incomplete Prequalification Packages will be considered nonresponsive and disregarded.

C. **District's Review.** Information submitted in the Prequalification Package shall not be public information and shall not be open to public inspection, to the extent provided by law. Subcontractors that have submitted a Prequalification Package shall receive written notification of their prequalification status. The District reserves the right, in its sole discretion, to reject any or all Prequalification Packages or to waive irregularities in any Prequalification Package received.

D. **Addenda.** Any addenda issued by the District will be faxed, mailed, or sent by messenger service to all subcontractors known to the District to have received this Prequalification Information form and who have provided a complete and legible physical address, telephone number, fax number, and email address for receipt of addenda. The receipt of all addenda must be acknowledged on the subcontractor's Prequalification Questionnaire.

E. **Nonresponsiveness.** A subcontractor's Prequalification Package shall be deemed nonresponsive if:

1. Subcontractor does not provide all requested information.
2. The Prequalification Questionnaire is not signed under penalty of perjury by individuals who have the authority to bind the subcontractor on whose behalf they are signing.

F. **Incomplete, Misleading or Inaccurate Information.** A subcontractor's Prequalification Package shall be rejected if:

1. Any information provided by the subcontractor is misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported).
2. Any information contained in the Prequalification Package is not updated under penalty of perjury when it is no longer accurate.

Even after a MEP subcontractor has been prequalified, the District reserves the right to revoke that determination at any subsequent time if it determines that any information provided by the subcontractor in its Prequalification Package was incomplete, misleading, or inaccurate in any material manner.

III. QUALIFICATION CRITERIA

A. **Essential Criteria.** As detailed herein, each potential subcontractor must provide specific information that will be reviewed and scaled by the District. Any subcontractor who cannot satisfy all of the following requirements ("Essential Criteria"), regardless of the ranking or ability to meet other criteria, will not be prequalified:

1. Licensure. The subcontractor shall hold all current, active contractor's license(s) necessary to perform its work and those license(s) shall not have been revoked in the past five (5) years.

2. Registration. The subcontractor shall be registered as a Public Works Contractor with the Department of Industrial Relations.

3. Insurability. The subcontractor shall demonstrate that it holds the insurance as indicated in the Prequalification Package.

4. Disqualification. The subcontractor shall not have been debarred or otherwise prohibited from performing work for and/or bidding on work for any school district or other public agency within the State of California pursuant to either Labor Code section 1777.1 or section 17777.7 in the past three (3) years.

5. Violations of Regulations or Laws. The subcontractor, or any of its owners or officers, shall not have been convicted of a crime involving the bidding, award or performance of a contract of a government construction project or fraud, theft, or any other action of dishonesty within the past five (5) years.

B. **Other Criteria.**

As stated above, each subcontractor must satisfy all of the Essential Criteria, regardless of its ranking or ability to meet other criteria or the subcontractor will not prequalify.

The Prequalification Questionnaire contains questions for which a numerical score will be given for specific answer(s). A subcontractor must receive a minimum number of points, regardless of its ability to meet other criteria, or the subcontractor will not prequalify to perform work on District lease-leaseback projects. Even if a subcontractor meets the Essential Criteria and receives at least the minimum number of points, the District reserves the right to disqualify that subcontractor on other grounds.

The District will use some or all of the following criteria in qualifying each subcontractor. The District reserves the right to modify the following criteria and to add or delete criteria at its sole discretion at any time prior to opening the Prequalification Package(s).

1. Previous Experience. The subcontractor shall demonstrate experience working on K-12 school projects approved by the Division of the State Architect ("DSA"), including the following:

a. Previous or current contracts for similar types of modernization projects that demonstrate equivalent quality design, detailing, finishes and construction.

b. Experience in working on projects of similar scale and complexity with strict budget and schedule compliance.

2. Business History. The subcontractor has a history of having continuously been in business as a licensed contractor.

3. Workers' Compensation Experience Modifier. The District will consider the subcontractor's workers' compensation experience modification rate for the past three (3) years.

4. Financial Strength. The subcontractor shall demonstrate its financial ability to undertake and complete the Project.

IV. APPEALING A QUALIFICATION FINDING

A subcontractor may appeal the District's decision. If a subcontractor decides to appeal the District's qualification decision, it shall follow this procedure:

A. Subcontractor shall submit, in writing, within three (3) working days from notification, a request for a written response to the District to explain any aspect of the District's determination.

B. Within three (3) working days from receipt of the District's written response to the subcontractor's request, subcontractor may submit, in writing, a request for reconsideration by the District's staff. Subcontractor may submit with the request any information that it believes supports a finding that District's determination should be changed.

If the subcontractor chooses not to avail itself of this process, the proposed prequalification rating may be adopted by the participating school districts without further proceedings.

ATTACHMENT "1"

Prequalification Questionnaire

[REMAINDER OF PAGE INTENTIONALLY BLANK; EXHIBIT FOLLOWS]

**JEFFERSON UNION HIGH SCHOOL DISTRICT
LEASE-LEASEBACK PREQUALIFICATION QUESTIONNAIRE FOR
PROSPECTIVE MEP SUBCONTRACTORS**

_____, 2022

Pursuant to Public Contract Code section 20111.6, each prospective contractor holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 licenses ("MEP subcontractors") shall submit the following information to establish its qualifications to perform construction work as a first-tier subcontractor on District lease-leaseback projects, including lease-leaseback projects which use or may use funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds received, including funds reimbursed, from any future state school bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more.

A. SUBCONTRACTOR'S CONTACT INFORMATION

Firm name: _____

Address: _____

Telephone: _____

Fax: _____

Mobile Telephone: _____

E-mail: _____

By: _____ Date: _____

(Name of individual completing statement)

Years in business as a licensed contractor: _____

Types of work performed with own forces: _____

Years in business under current firm name: _____

Years at the above address: _____

B. CURRENT ORGANIZATION AND STRUCTURE OF THE BUSINESS

1. For Firms that Are Corporations:

- a. Date incorporated : _____
- b. Under the laws of what state: _____
- c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least 10% of the corporation's stock.

Name	Position	Years with Co.	% Ownership

2. For Firms that Are Partnerships or LLCs:

- a. Date of formation: _____
- b. Under the laws of what state: _____
- c. Provide all the following information for each partner who owns ten percent (10%) or more of the firm.

Name	Position	Years with Co.	% Ownership

3. For Firms that Are Sole Proprietorships:

- a. Date of commencement of business: _____

4. For Firms that Intend to Bid as a Joint Venture:

- a. Date of commencement of joint venture: _____
- b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects. Attach all additional references and/or information on separate signed sheets.

Name of Firm	% of Ownership of Joint Venture

5. Associated Firms

For any of the above business structures, identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the past three (3) years.

Person's Name	Name of Construction Firm & License No.	Dates of Person's Participation with Firm

Attach all additional references and/or information on separate signed sheets.

C. HISTORY OF THE BUSINESS AND ORGANIZATIONAL PERFORMANCE

1. Has there been any change in ownership of the firm at any time during the past five (5) years? **NOTE:** A corporation whose shares are publicly traded is not required to answer this question.

Yes No

If "yes," explain on a separate signed sheet.

2. Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm? **NOTE:** Include information about other firms if one firm owns 50% or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed sheet, including the name of the related company and the percent ownership.

3. Are any corporate officers, partners or owners connected to any other construction firms? **NOTE:** Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If "yes," explain on a separate signed sheet.

4. Has any owner, partner, CSLB qualifier or corporate officer of the firm operated as a contractor under any other name or license number (not listed above) in the last five (5) years?

Yes No

If "yes," explain on a separate signed sheet, including the name and license number of the other company.

5. State your firm's gross revenues for each of the past three (3) years:

Year	Gross Revenue
	\$
	\$
	\$

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

7. Is your firm currently the debtor in a bankruptcy case or was in bankruptcy at any time during the last five (5) years?

Yes No

If "yes," please attach a copy of the bankruptcy petition and a copy of the Bankruptcy Court's discharge or any other document that ended the case, if any.

LICENSES AND REGISTRATION

8. Please provide the following information:
- a. Name of license holder exactly as on file with the California State License Board: _____

 - b. License classification(s): _____
 - c. License #: _____
 - d. Expiration Date: _____
 - e. Public Works Contractor's Registration # as on file with Department of Industrial Relations: _____
9. Has any CSLB license held by your firm or its Responsible Managing Employee or Responsible Managing Officer been suspended within the last five (5) years?
- Yes No
- If "yes," explain on a separate signed sheet.
10. Has your firm changed names or license number in the past five (5) years?
- Yes No
- If "yes," explain on a separate signed sheet, including the reason for the change.

DISPUTES

11. At any time in the last five (5) years, has your firm been assessed liquidated damages under a construction contract with another public or private owner?
- Yes No
- If "yes," explain on a separate signed sheet, identifying projects by owner, owner's address, and date of completion.
12. At any time in the last five (5) years, has your firm, or any owners, officers or partners, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any public works project?
- Yes No
- If "yes," explain on a separate signed sheet, including the name of the person who was associated with that company, the year of the event, owner, owner's address and basis for the action.

13. Is your firm, or any owners, officers or partners, presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or Board?

Yes No

If "yes," explain on a separate signed sheet, including the name of the person who was associated with that company, the year of the event, owner, owner's address and basis for the action.

14. At any time in the last five (5) years, has a public agency found your company was not a responsible bidder?

Yes No

If "yes," explain on a separate signed sheet, including the year of the event, owner, owner's address and basis for the finding.

15. In the past five (5) years, has any claims against your firm or by your firm against an owner been filed in court or arbitration concerning your firm's work or payment on a construction project?

Yes No

If "yes," explain on a separate signed sheet, including the project name, court or arbitration case name and number, and a brief description of the status of the claim.

INSURANCE

16. Does subcontractor have liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?

Yes No

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

Yes No

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

Yes No

If "yes," explain on a separate signed sheet, including the name of the insurance carrier, form of insurance and year of the refusal.

CRIMINAL MATTERS AND RELATED CIVIL SUITS

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

Yes No

If "yes," explain on a separate signed sheet, identifying who was involved, name of the public agency, date of the investigation and grounds for the filing.

20. In the last five (5) years, has your firm or any of its owners, partners or officers ever been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, including but not limited to, a contract of a government construction project; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property?

Yes No

If "yes," explain on a separate signed sheet, identifying who was involved, name of the public agency, date of conviction and grounds for the conviction.

21. Is your firm or any of its owners, partners or officers presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 20 of this questionnaire?

Yes No

If "yes," explain on a separate signed sheet, identifying who was involved, name of the public agency, date of conviction and grounds for the conviction.

SAFETY

22. Within the past five (5) years, has the California or federal OSHA cited and assessed against your firm, or any associated firm, for "serious," "willful" or "repeat" violations of its safety or health regulations?

Yes No

If "yes," explain on a separate signed sheet, identifying the citation(s), nature of the violation(s), project, and amount of penalty paid, if any.

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

Yes No

If "yes," explain on a separate signed sheet, describing the citation(s).

24. State the subcontractor's Workers' Compensation Experience Modification Rate for the past three (3) premium years:

Year	Modification Rate

If your EMR is 1.00 or higher, you may attach a letter of explanation.

25. Within the past five (5) years, has there ever been a period when your firm and/or any associated firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

If yes, explain on separate sheet, including the date(s) and reason(s) for the absence of workers' compensation insurance.

PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE

26. In the past five (5) years, has there been more than one occasion in which your firm was required to pay either back wages or penalties for your firm's failure to comply with California prevailing wage laws or federal Davis-Bacon prevailing wage requirements?

Yes No

If "yes," explain on a separate signed sheet, describing the nature of the violation(s), project, owner, and amount paid, if any.

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

Yes No

If "yes," explain on a separate signed sheet, including date(s) of such findings and attaching the DAS' final decision(s).

BONDING

28. In the last five (5) years, has any surety paid on your firm's behalf as a result of a default to satisfy any claims made against a payment or performance bond issued on your firm's behalf?

Yes No

If "yes," explain on a separate signed sheet, including the amount of each claim, name and telephone number of claimant, date of and grounds for the claim, and present status.

D. PROJECT REFERENCES

On the form attached as Exhibit A, list all California K-12 lease-leaseback projects (both under construction and completed) during the past 5 years, with a subcontract price over \$50,000, in which your firm under all firm names identified in Section B participated. Use and attach additional signed sheets when needed to explain or clarify any response or to include more responses with all requested information.

E. FINANCIAL INFORMATION

Subcontractor must submit a reviewed or audited financial statement with accompanying notes and supplemental information 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 supplemental information only, and is not a substitute for the required audited or certified financial statement.

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 Subcontractor: _____

Signature by an officer of the Subcontractor: _____

By: _____ (Print Name)

Title: _____

EXHIBIT A

1. Project Name/Identification:

- a. Project Name: _____

- b. Project address/location: _____

- c. Owner (name of district reference and tel. no.): _____

- d. Architect (name and tel. no.): _____

- e. Construction Manager (name and tel. no.): _____

- f. General Contractor (name and tel. no.): _____

- g. Scope of Work: _____

- h. Was/Is this a lease-leaseback project? _____
- i. Original completion date: _____
- j. Actual date of completion: _____
- k. Time extensions granted: _____
- l. Initial subcontract value: _____
- m. Final subcontract value: _____

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

Date: _____
Name _____