

Los Alamitos Unified School District  
10293 Bloomfield Street  
Los Alamitos, CA 90720

December 21, 2022

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RFQ # 2223-02

REQUEST FOR QUALIFICATIONS  
FOR  
CONSTRUCTION SERVICES (LEASE-LEASEBACK)  
FOR  
LOS ALAMITOS HIGH SCHOOL GYMNASIUM PROJECT

The Los Alamitos Unified School District (“**District**”) issues this Request for Qualifications (“**RFQ**”) to request the submission of Responses from qualified firms, associations, persons, or professional organizations (“**Contractor(s)**”) to perform construction services pursuant to the lease-leaseback delivery method as authorized by Education Code section 17406.

**Project.** The District is soliciting Services (defined below) for the District’s Los Alamitos High School Gymnasium Project (“**Project**”). The Project description and schedule is included in **Attachment 1**.

This RFQ is for the District to create a new pool of qualified Contractors from which the District intends to solicit proposals for a final guaranteed project cost (“**GPC**”) pursuant to the required process in the District’s Form Lease-Leaseback Contract attached hereto as **Attachment 3** (“**Contract**”).

**CONTRACTORS THAT INTEND TO SUBMIT A RESPONSE MUST MEET THE FOLLOWING CRITERIA:**

- Prequalify through the District’s prequalification process; and
- Hold a **Class B** Contractors License, which is current, valid, and in good standing with the California Contractor’s State License Board; and
- The Contractor can be located anywhere, but it must maintain a staffed office **within 100 miles of the District.**

**Responses.** Each component of a Response must be responsive to all requirements of this RFQ and must be submitted to Anastasia Smith at AESmith@losal.org by the date and time indicated in the RFQ Schedule (defined below). Contractors desiring to submit a Response must submit the following (“**Response**”):

- **Prequalification Questionnaire.** A completed copy of the District’s prequalification questionnaire (“**Prequalification Questionnaire(s)**”). District’s Prequalification Questionnaire can be accessed through PQBids by going to the following website: <https://www.losal.org/departments/fmot/fmot-resources-and-information/contractor-prequalifications> ;
- **Statement of Qualifications.** A written submission comprised of a Statement of Qualifications (“**SOQ**”):

**Site Visits.** There will be a **mandatory** site visit for the Project on the dates and times indicated in the RFQ Schedule. All Contractors that intend to submit SOQs must attend the relevant site visit. If a Contractor fails to attend the mandatory site visit, the Contractor’s SOQ will be rejected.

**List of Attachments.** The following attachments are part of this RFQ:

<b>Attachment 1</b>	Project Description And Construction Schedule
<b>Attachment 2</b>	Contractor Certifications Submitted With SOQ
<b>Attachment 3</b>	District Form Lease-Leaseback Contract

**RFQ Schedule.** The District has set the following schedule (“**RFQ Schedule**”) that all Contractors must adhere to. The District reserves the right to modify this RFQ Schedule and will issue an addendum if it modifies this RFQ Schedule.

<b>Event / Occurrence</b>	<b>Time / Date / Deadline</b>
[Mandatory Site Visit at Los Alamitos High School 3591 W Cerritos Ave, Los Alamitos, CA 90720 in front of the Administration Office (New STEM Bldg.) <b>NOTE: Contractors should arrive at this site at least 5 minutes before the scheduled commencement of the Site Visit.</b>	January 12, 2023 1:00 p.m.
<b>DEADLINE FOR CONTRACTORS TO SUBMIT PREQUALIFICATION QUESTIONNAIRES</b>	February 15, 2022 1:00 p.m.
District to notify Contractor of prequalification status	March 2, 2023
Deadline for prequalified Contractors to submit questions regarding this RFQ <b>Submit to <a href="mailto:FMOT@losal.org">FMOT@losal.org</a> with the subject line “Bid No. 2223-02 Los Alamitos High School Gymnasium Project”</b>	April 14, 2023 1:00 p.m.
District to respond to Contractor’s questions regarding this RFQ	April 21, 2022
<b>DEADLINE FOR CONTRACTORS TO SUBMIT SOQ</b>	May 5, 2023 1:00 p.m.
Interviews (District staff will email Contractors their time slot for this date) to review and ask questions about the SOQs submitted.	May 8, 2023
District to notify Contractors of status of inclusion in District’s pool of Contractors that will be invited to propose to construct the Project.	May 9, 2023

**RFQ Addenda.** If the District issues addenda to this RFQ, Contractors are solely responsible for and must acknowledge receipt of addenda in the SOQ. If a Contractor fails to acknowledge and respond to any addenda, the District may, in its sole discretion, deem the Contractor’s Response non-responsive.

**Questions.** Questions regarding this RFQ must be in writing and directed only to **CJ Knowland, Director of Facilities Maintenance Operations and Transportation** at [FMOT@losal.org](mailto:FMOT@losal.org) by the date indicated in the RFQ Schedule. Contractors are directed to **not** contact any other person regarding this RFQ. **ATTEMPTS BY A CONTRACTOR TO CONTACT ANY OTHER PERSON OR VISIT A DISTRICT SITE MAY RESULT IN DISQUALIFICATION OF THAT CONTRACTOR.**

The District reserves the right to reject any and all Responses, or component thereof, and to amend this RFQ, as necessary. All materials submitted to the District in response to this RFQ shall remain property of the District.

Thank you for your interest in working with the Los Alamitos Unified School District.

1. **General Information.**

- 1.1. **General Services.** The District invites qualified Contractors to submit a Response related to their ability to provide the Services, as more fully indicated herein. Contractors must have extensive experience with the California Building Standards Code (California Code of Regulations, Title 24) and the incorporated and/or applicable provisions of the Uniform Building Code and the International Building Code, the Americans with Disabilities Act, and the Division of the State Architect (“**DSA**”). Contractors must have extensive experience in the construction of public school facilities, working with public school district representatives, working with architects, contractors and other school facility related consultants, and establishing project scope, project budgets, and bidding procedures under both the Public Contract Code’s formal bidding process and under alternative construction delivery methods.
- 1.2. **Lease-Leaseback Structure.** A District lease-leaseback project may be funded from various sources, and any agreement reached will conform to the statutory framework for the lease-leaseback delivery method. (Ed. Code, § 17406.) **The Contractor will be responsible for financing a portion of the construction of the Project.** During construction, the District shall pay tenant improvement payments. Once the Project is complete, the Contractor shall subsequently lease the constructed facilities back to the District for a pre-determined monthly lease payment amount and lease period, plus interest. The District anticipates that the lease period will be **twelve (12) months** for the Project. If a Contractor has questions regarding the payment structure for the Project, please review Exhibit C to the Facilities Lease in the Contract (**Attachment 3**).
- 1.3. **Skilled and Trained Workforce.** For the Project, the Contractor and its subcontractors at every tier are required to use a “skilled and trained workforce” at the minimum percentages and as defined in Public Contract Code section 2600, et seq. and Education Code section 17407.5 (collectively, “**SWF Statutes**”) to perform all work that falls within an apprenticeable occupation in the building and construction trades. A Contractor awarded the Project will be required to provide monthly reports demonstrating compliance by itself and its subcontractors at every tier with the skilled and trained workforce requirements as prescribed by the SWF Statutes. If a Contractor has questions regarding the skilled and trained workforce for the Project, please review the “**Skilled and Trained Workforce Requirements**” section in Exhibit D of the Facilities Lease in the Contract (**Attachment 3**).
- 1.4. **Scope of Services.** The selected Contractor must be willing and able to, in good faith, perform any and all services as set forth in the Contract and as further described in **Attachment 1 (“Services”)**. The Services will vary between the Phases. If the Project or a Phase requires Preliminary Services, the Contractor will first enter into the Preliminary Services Agreement attached as Exhibit L to the Facilities Lease in the Contract (**Attachment 3**) (“**Preliminary Services Agreement**”), which shall be incorporated into the final Contract. **Note: The District does not anticipate the need for any Preliminary Services at this time.**

<h2>PREQUALIFICATION</h2>
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2. **Prequalification.**

- 2.1. **Contractor Prequalification.** All prime contractors must complete the Prequalification Questionnaire and submit it by the date and time indicated in the RFQ Schedule set forth below. The Prequalification Questionnaire can be accessed through the **weblink above**. The Prequalification Questionnaire is related to a Contractor’s ability to provide the Services as

indicated herein and must be maintained for the duration of the timeframe that Contractor(s) performs Services on the Project. (Pub. Cont. Code, § 20111.6.) **Contractors that have prequalified within a year of the deadline for the submittal of SOQs set forth in the RFQ Schedule do not need to submit the Prequalification Questionnaire.**

- 2.2. MEP Subcontractor Prequalification.** Mechanical, electrical, and plumbing subcontractors performing work under the following license classifications: C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 (“MEP Subcontractors”) are not required to prequalify at this time. The District will require MEP Subcontractors to prequalify for all Contractors that the District selects for its pool to provide a GPC to construct the Project. Even so, if a Contractor has subcontractors that it knows will want to bid on projects in the future (if the District selects the Contractor for the District’s pool), a subcontractor can prequalify now by submitting the Prequalification Questionnaire through the weblink above. **Contractors are encouraged to direct MEP Subcontractors to prequalify as soon as possible so that the MEP Subcontractors may get qualified to bid to perform on the Project.**

<b>STATEMENT OF QUALIFICATION</b>
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- 3. Format and Contents of SOQ.** Contractor’s SOQ shall be no longer than **seventy-five (75)** pages inclusive of résumés, forms, and pictures, and organized and tabbed consistent with the structure below. Each SOQ shall demonstrate the Contractor’s qualifications to perform the Services, include the requested pricing information identified and address **ALL** areas indicated below:

- 3.1. Table of Contents.** A table of contents of the material contained in the SOQ.
- 3.2. Letter of Interest.** A dated Letter of Interest must be submitted, including the legal name of the Contractor, address, telephone, email(s), and the name, title, and signature of the person authorized to submit the SOQ on behalf of the Contractor. The Letter of Interest should provide a brief statement of the Contractor’s experience and should indicate the unique background and qualities of the Contractor, its personnel, and what will make the Contractor a good fit for work in the District.
- 3.3. Executive Summary.** An executive summary that outlines the Contractor’s history, and, if a joint venture, of each participating entity, Contractor’s philosophy, along with a brief summary of the Contractor’s qualifications.
- 3.4. Past Projects: Contractor’s K-12 Experience.** Describe the Contractor’s experience and expertise performing projects for California K-12 public school districts for the **past seven (7) years**. Provide the following information for all projects Contractor has completed or is currently performing. You may limit your response to the **ten (10) most-recently completed** projects. Indicate in your SOQ which of these projects were performed pursuant to a lease-leaseback structure or other alternative (**not** design-bid-build) structure. **This requirement is in addition to any past-project requirements in the Prequalification Questionnaire.**

Project name/identification:
Project address/location:
Project owner, contact person, and telephone:
Project architect name and telephone number:
If Contractor was a subcontractor, name of general contractor and telephone number:
Scope of work:
Original completion date:

Date completed:
Initial contract value (as of time of contract award):
Final contract value:
Delivery Method (lease-leaseback, CM-at-risk, design-build, etc.):
Other project information:

**3.5. Construction Schedule.**

**3.5.1.** Discuss the Contractor’s ability to prepare and meet achievable construction schedules for construction projects, Contractor’s schedule management procedures, and how the Contractor has successfully handled potential and actual delays.

**3.5.2.** The proposed construction schedule for the Project is included in **Attachment 1**. Discuss the Contractor’s ability to meet the construction schedule for the Project, including discussing scheduling for each Phase, set forth in **Attachment 1**.

**3.6. Proposed Personnel/Contractor Team.** Please specifically identify and include the resumes of key personnel who would be performing Services for the District on each Phase and/or both Phases. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the District and each person’s availability to provide services to the District. Contractor should describe the experience the personnel have on previous projects, if any. Describe how Contractor’s personnel will work with District staff during construction services to ensure that Contractor effectively and efficiently completes the Project. The District expects that key personnel identified by Contractor will perform services on the Project but recognizes Contractor might have turnover in staff.

**3.7. Contractor’s Ability to Perform Preliminary Services.** Describe the Contractor’s ability and past experience performing the Preliminary Services as identified in the Contract (see Exhibit L to the Facilities Lease in the Contract in **Attachment 3**). Specifically discuss Contractor’s demonstrated success performing Preliminary Services. Identify subconsultants, if any, that Contractor expects will perform Preliminary Services for Contractor. The District reserves the right to adjust the scope of the Preliminary Services at the time of execution of the Preliminary Services Agreement in the Contract for the Project. **Note: The District does not anticipate the need for any Preliminary Services at this time.**

**3.8. Cost Savings / Value Engineering.** The District is seeking Contractors that have direct experience and/or can demonstrate an aptitude to “value engineer” or analyze a project’s plans, components, and features, and find more efficient and cost-effective methods or alternatives. Describe Contractor’s specific experience providing value engineering on Contractor’s past projects, including amounts saved on previous projects, if possible. Describe generally the type of suggestions, recommendations, alternatives or other valuation determinations that the Contractor could implement on any project.

**3.9. Budget.** Discuss the Contractor’s ability to manage costs and stay within budgets on comparable projects.

**3.10. Contractor’s Experience with Skilled and Trained Workforce Requirements.**

**3.10.1.** Describe Contractor’s experience complying with the skilled and trained workforce requirements of the SWF Statutes. Include a description of any disputes or claims arising out of the Contractor’s compliance/non-compliance with the SWF Statutes, including

any penalties assessed against Contractor or any of its subcontractors by the Labor Commissioner.

**3.10.2.** Include a copy of the form that you and your subcontractors intend to use to demonstrate compliance with the SWF Statutes. The District reserves the right to have the Contractor utilize a District-provided form.

**3.11. Subcontractor Procurement.** The District will require the selected Contractor(s) to solicit and procure subcontractors pursuant to the Subcontractor Procurement Process in Exhibit H to the Facilities Lease in the Contract (**Attachment 3**).

**Note:** Because the District will seek proposals from all Contractors that the District selects to be in its pool of Contractors for the Project, the Contractor shall comply with the subcontractor prequalification requirements of Education Code section 17406 (a)(1)(C) and may otherwise select subcontractors based on their own reasonable and non-discriminatory process.

**3.12. Contractor's Current Work Commitments.** Specify the current and projected workload of Contractor. If applicable, provide a statement of all recent, current, or anticipated contractual obligations that relate in any way to similar work for the District that may have a potential to impede Contractor's ability to provide the Services for the Project. Please provide a list of projects for which Contractor is currently performing services, and those projects for which the Contractor is under contract, or anticipates being under contract, during the next two (2) years.

**3.13. Bonding Capacity.** Indicate Contractor's limitation or Surety restrictions related to the size of projects that Contractor can contract for and can effectively perform. Provide a letter from your surety or broker that states Contractor's current bonding capacity.

**3.14. Conflicts of Interest.** Contractors cannot submit, propose, bid, contract, subcontract, consult, or have any other economic interests in a project to which the Contractor may provide Services. Please identify whether the Contractor has any conflicts of interest preventing it from performing the Services.

**3.15. Safety.** Discuss the Contractor's safety program, the content and frequency of its safety meetings, the basis for its current experience modification rate ("EMR") number, its Injury and Illness Prevention Program and who the Contractor's safety officer would be and his/her qualifications for that position. Please provide documentation showing the Contractor's current EMR number; this requirement is cumulative of any requirement in the Prequalification Questionnaire requiring Contractor to provide EMR information.

**3.16. References.** Contractor may include letters of reference or testimonials. Contractor should limit letters of references or testimonials to a **maximum of ten (10)**.

**3.17. Lease-Leaseback Contract.** If Contractor has any comments or objections to the Contract attached hereto as **Attachment 3**, it must provide those comments or objections, with specificity, in its SOQ. **PLEASE NOTE: The District will not consider any changes to the Contract if they are not submitted with the Contractor's SOQ. Any changes made to the Contract as a result of Contractor's comments to the SOQ shall not be subject to renegotiation.**

**3.18. Additional Information.** Provide additional information about the Contractor as it may relate to Contractor's SOQ.

**3.19. Compensation.** A general description of the scope of the Project for construction services is set

forth in **Attachment 1**. Contractor shall provide all the following cost information to perform the construction services by completing the table below, inclusive of all items as set forth in the Contract. **The District is not seeking a guaranteed project cost at this time.**

<b>COMPENSATION AND PRICING</b>	
<b>Item</b>	<b>Amount</b>
<b>Cost of General Conditions (Including General Requirements) (Estimate)</b>	\$ _____
<b>Staffing that would be part of General Conditions</b>	
Project Executive (hourly rate)	\$ _____
Project Manager (hourly rate)	\$ _____
Project Superintendent (hourly rate)	\$ _____
Project Engineer (hourly rate)	\$ _____
Other: _____	\$ _____
<b>Other Pricing Items</b>	
<b>Mark-up on Subcontractor work</b>	_____ %
<b>Mark-up on self-performed work</b>	_____ %
<b>Mark-up on Subcontractor change order work *</b>	_____ %
<b>Mark-up on self-performed change order work *</b>	_____ %
<b>Fee / overhead &amp; profit</b> (as a percentage of direct costs), if any, in addition to the "Mark-ups" indicated above	_____ %
<b>Bond &amp; insurance cost</b> (as a percentage of direct costs)	_____ %
<b>Other costs, if any</b> (identify in sufficient detail for evaluation, either as a lump sum or a percentage of direct costs)	\$ ____ or ____ %
<b>Financing Charge **</b> (The Contractor's charge for interest on the Lease Payments the District must pay.)	_____ %
<p>* <b>Change Order Mark-Up.</b> Contractor must agree to utilize this same mark-up percentage for change orders during the entire Project and all Phases.</p> <p>** <b>Financing.</b> Contractor will finance a portion of the GPC for a period of time. Although the exact amount may be adjusted at the District's discretion, it is anticipated that the amount the Contractor will finance for this Project will be at or below 5% of the total GPC. During the Project, the District will make Tenant Improvement Payments for work performed, and after Completion, the District will make monthly Lease Payments of <b>one-twelfth (1/12)</b> of the total</p>	

financed amount for the Project, plus an agreed-upon interest charge for the Project. **Please provide the District with your proposed interest charge.**

**USE ADDITIONAL SHEETS AS NECESSARY**

- 3.19.1. **Final GPC.** Because the District will seek proposals from all Contractors that the District selects to be in its pool of Contractors for the Project, the District is **not** seeking a guaranteed project price in response to this RFQ.
- 3.19.2. **Certifications to be Submitted with SOQ.** Contractors must complete and submit with their SOQs the Certifications (**Attachment 3**).

**DISTRICT’S EVALUATION**

- 4. **District’s Evaluation / Best Value Selection Process.** The District will evaluate Contractor’s Responses and select a Contractor(s) based on a best value determination process. The District wishes to retain Contractor(s) that have the financial strength, management and expertise to deliver a project within a proposed schedule and within an established budget; with relevant experience in California public school construction; with State of California’s School Facilities Program; and with a proven track record for cost-efficient and timely construction projects.
  - 4.1. **STEP 1 (Prequalification).** Contractors must be prequalified pursuant to the District’s prequalification process. This is a “pass” or “fail” **STEP**.
  - 4.2. **STEP 2 – STEP 4 (Responses, Interviews & References).** The District will evaluate each Contractor’s SOQ based on the process indicated below. To move on to the next **STEP** in the evaluation process, the Contractor must receive the minimum required points in the previous **STEP**. The District may elect to finish the evaluation process after scoring SOQs (**STEP 2**), or may elect to conduct interviews (**STEP 3**) and/or contact and score references (**STEP 4**), each in the District’s sole discretion. The District will select the Contractor(s) for the pool of Contractors that it will invite to price and propose to construct the Project that receive the minimum points required at the **STEP** at which the District ends its evaluation.
  - 4.3. **Scoring.** The following table indicates how the District will score Prequalification Questionnaires and SOQs. Only Contractors that receive the minimum qualification points as required at each **STEP** will move to the next **STEP**. The District may, at its sole discretion, interview some or all of the Contractor(s) that submit a Response and/or contact references of Contractor(s). **For STEPS 2 through 4, the District reserves the right to select Contractors for its pool of Contractors at the conclusion of each STEP without proceeding to the next STEP, to the extent applicable.**

<b>STEP 1: Scoring of Prequalification Questionnaire</b>	Only prequalified Contractors will proceed to <b>STEP 2</b> .
<b>STEP 2: Scoring of SOQs</b>	Minimum points required in <b>STEP 2</b> for Contractors to proceed to <b>STEP 3: 635 points.</b>  Total maximum possible points from <b>STEP 2: 850 points.</b>
<b>STEP 3: Scoring of Interviews (Optional)</b>	The District will only interview Contractors (if it conducts interviews of Contractors) that have the required minimum score after <b>STEP 2</b> . The District, at its discretion, may elect to forego conducting interviews. If the District conducts interviews, then the following shall apply:



	<p>Minimum points required in <b>STEP 3</b> for Contractors to qualify: <b>240 points.</b></p> <p>Total maximum possible points from <b>STEP 3:</b> <b>320 points.</b></p>
<b>STEP 4: Scoring of Reference Checks (Optional)</b>	<p>The District will only contact references (if it conducts reference checks) of Contractor(s) that have the required minimum score after <b>STEP 2</b>. The District, at its discretion, may elect to forego conducting reference checks. If the District conducts reference checks, then the following shall apply:</p> <p>Minimum points required in <b>STEP 4</b> for Contractors to qualify: <b>62 points.</b></p> <p>Total maximum possible points from <b>STEP 4:</b> <b>85 points</b></p>

<b>DISTRICT'S BEST VALUE DETERMINATION</b>	
<p>If the District selects a Contractor(s), it will do so as follows:</p> <ul style="list-style-type: none"> <li>• If the District does <u>not</u> conduct interviews and does <u>not</u> conduct reference checks, the District shall use the points from <b>STEP 2</b> as the basis for its best value determination.</li> <li>• If the District conducts interviews and does <u>not</u> conduct reference checks, the District shall use the points from <b>STEP 2</b> added with the points from <b>STEP 3</b> as the basis for its best value determination, assuming the Contractor has the minimum number of required points.</li> <li>• If the District conducts reference checks and does <u>not</u> conduct interviews, the District shall use the points from <b>STEP 2 added with the points from STEP 4</b> as the basis for its best value determination, assuming the Contractor has the minimum number of required points.</li> <li>• If the District conducts interviews <u>and</u> conducts reference checks, the District may choose to do either in any order it determines. The District shall use the points from <b>STEP 2</b> added with the points from <b>STEP 3</b> or <b>STEP 4</b>, whichever occurs last, as the basis for its best value determination, assuming the Contractor has the minimum number of required points for both <b>STEPS</b>.</li> </ul> <p><b>District staff reserve the right to create a panel of evaluators to score Contractors, and then average those scores at each STEP to determine Contractors' scores.</b></p>	

- 4.4. **Notification.** The District will notify Contractor(s) of their status upon completion of the process via email from the District as listed in the RFQ Schedule.
- 4.5. During the evaluation of the Responses, contact shall only be through the individual identified in the RFQ. Contractor(s) shall neither contact nor lobby evaluators during the evaluation process. Attempts by a Contractor to contact and/or influence the District may result in disqualification of that Contractor.
- 4.6. The District reserves the right to reject any Response as non-responsive, and not contract with any Contractor for any Services in a subsequent proposal. The District makes no representation that participation in the RFQ process will lead to an award of contract or any consideration

whatsoever. The District reserves the right to seek Responses from or to contract with any Contractor not participating in this process. The District shall in no event be responsible for the cost of preparing any Response. The District reserves the right to adjust the structure of the project(s) and to request a successful Contractor provide initial pricing information, fee(s) for preliminary services, general conditions, partial construction services, etc., for a project or a phase within a project.

- 4.7. All Responses will become the property of the District and subject to the California Public Records Act, Government Code sections 6250, et seq. Those elements in a Response that are trade secrets as that term is defined in Civil Code section 3426.1 (d) or otherwise exempt by law from disclosure and which are prominently marked as “Trade Secret,” “Confidential,” or “Proprietary” may not be subject to disclosure. The District shall not be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of a Court. A Contractor that indiscriminately identifies all or most of its Response as exempt from disclosure without justification may be deemed non-responsive. In the event the District is required to defend an action on a Public Records Act request for any of the contents of a Response marked “Confidential,” “Proprietary,” or “Trade Secret,” the Contractor agrees, by submission of its Response, to defend and indemnify the District from all costs and expenses, including attorneys’ fees, in any action or liability arising under the Public Records Act.

5. **District’s Appeal Process.**

- 5.1. A Contractor may appeal the District’s “best value” determination or the District’s selection of Contractors for the District’s pool (if any). If a Contractor decides to appeal the District’s determination, it must follow the following procedure. Failure of a Contractor to timely follow all appeal steps shall be a waiver of the Contractor’s right to appeal the District’s determination.
- 5.1.1. The Contractor shall submit, in writing, within **two (2) business days** after receipt of notice of the District’s determination or of the District’s selection of a pool of contractors (“Action”), a written request for a response from the District to explain the District’s determination.
- 5.1.2. Within **two (2) business days** from receipt of the District’s response to the Contractor’s request, Contractor(s) may request in writing a meeting, which will be restricted to no more than two (2) persons from the Contractor to have a discussion with District staff regarding that Contractor’s Response. All meetings will take place via a virtual conference, teleconference, or an in-person meeting, at the District’s sole discretion. Contractor may submit with the request any and all information that it believes supports a finding that District’s Action should be changed.
- 5.1.3. If the Contractor continues to contest the District’s Action after that meeting with District staff, then the Contractor may address the Board at the next public noticed meeting of the District’s governing board, pursuant to the governing board’s procedures for public comment. In order for a Contractor to preserve its right to challenge the District’s Action, the Contractor must address the Board at the next public noticed meeting of the Board after the Contractor’s meeting with District staff.
- 5.2. The above appeals process does not apply to the prequalification process, which will be done pursuant to the process of the Prequalification Questionnaire, if any.

**ATTACHMENT 1**

**DESCRIPTION OF PROJECT AND CONSTRUCTION SCHEDULE  
(LOS ALAMITOS HIGH SCHOOL GYMNASIUM PROJECT)**

**Estimated Construction Cost: \$22,000,000.**

**Project Summary / Scope of Work:** Complete construction of the Project consistent with the Division of the State Architect approved Plans and Specifications and the Contract Documents. The Project's Plans and Specifications may be found by emailing Anastasia Smith at AEsSmith@losal.org

**Construction Services Schedule.** If the District issues a Notice to Proceed for construction of the Project on or before **June 7, 2023**, then the Project shall be completed by **December 2, 2024**.

**ATTACHMENT 2  
CERTIFICATIONS TO BE SUBMITTED WITH PROPOSAL**

**NONCOLLUSION DECLARATION (Public Contract Code § 7106)**

TO BE EXECUTED BY CONTRACTOR AND SUBMITTED WITH PROPOSAL

The undersigned declares:

I am the \_\_\_\_\_ **[PRINT YOUR TITLE]**

of \_\_\_\_\_ **[PRINT FIRM NAME]**,

the party making the foregoing SOQ.

The SOQ is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The SOQ is genuine and not collusive or sham. The Contractor has not directly or indirectly induced or solicited any other Contractor to put in a false or sham SOQ. The Contractor has not directly or indirectly colluded, conspired, connived, or agreed with any Contractor or anyone else to put in a sham SOQ, or to refrain from proposing. The Contractor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the SOQ price of the Contractor or any other Contractor, or to fix any overhead, profit, or cost element of the SOQ price, or of that of any other Contractor. All statements contained in the SOQ are true. The Contractor has not, directly or indirectly, submitted his or her SOQ price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, SOQ depository, or to any member or agent thereof, to effectuate a collusive or sham SOQ, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a Contractor that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Contractor.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on the following date:

Date: \_\_\_\_\_

Proper Name of Contractor: \_\_\_\_\_

City, State: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**IRAN CONTRACTING ACT CERTIFICATION (Public Contract Code § 2204)**

**Los Alamitos Unified School District Los Alamitos High School Gymnasium Project** (“Project” or “Contract”)

Pursuant to Public Contract Code (PCC) section 2204, an Iran Contracting Act certification is required for solicitations of goods or services of one million dollars (\$1,000,000) or more.

Contractor shall complete **ONLY ONE** of the following three paragraphs.

1. Contractor’s Total Base SOQ is less than one million dollars (\$1,000,000).

**OR**

2. Contractor’s Total Base SOQ is one million dollars (\$1,000,000) or more, but Contractor is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code § 2203(b), and Contractor is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

**OR**

3. Contractor’s Total Base SOQ is one million dollars (\$1,000,000) or more, but the District has given prior written permission to Contractor to submit a proposal pursuant to PCC 2203(c) or (d). **A copy of the written permission from the District is included with SOQ.**

I certify that I am duly authorized to legally bind the Contractor to this certification, that the contents of this certification are true, and that this certification is made under the laws of the State of California.

Date: \_\_\_\_\_

Proper Name of Contractor: \_\_\_\_\_

City, State: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ATTACHMENT 3**

**DISTRICT'S LEASE-LEASEBACK CONTRACT**

**[INSERT FORM OF CONTRACT]**