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# Contractor Prequalification



## A. Background and Overview

The Dry Creek Joint Elementary School District (“District”) has determined that contractors (sub or prime), bidding on future projects that have a projected expenditure of \$1,000,000 or more, must be pre-qualified prior to submitting a bid. Specifically, contractors holding an A, B, C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses must be pre qualified. Additionally, this form will be used to Prequalify Lease-Leaseback contractors for future construction projects.

1. As a condition of bidding, including RFP’s for Lease-Leaseback contracts, to perform any construction work on District projects, and in accordance with California public Contract Code section 20111.5 and 20111.6, the District requires prospective bidders in the above categories to:
  - a. Fully complete a prequalification questionnaire on the form supplied by the District Titled “Prequalification Questionnaire”.
  - b. Provide financial information to the District.

**Note: Collectively, the Prequalification Questionnaire and Financial Information are referred to as the “Prequalification Statement”)**

2. Once a Contractor’s Prequalification Statement is submitted, the District will notify the Contractor if the Contractor meets the prequalification requirements.
3. A select number of contractors, that meet the prequalification requirements, may be invited to interview with the District in addition to the Lease-Leaseback contractor pool.
4. Contractors who are prequalified must update their Prequalification Statements as status or information changes.
5. If the project requires prequalification a Contractor’s bid for a project will not be accepted unless the District has prequalified the Contractor.

## B. Prequalification Process

1. All prospective licensed contractors who wish to qualify for work on the Projects shall submit a Prequalification Statement in a sealed envelope to:  
**Dry Creek Joint Elementary School District**  
**Attn: Facilities Department**  
**8809 Cook Riolo Road**  
**Roseville, CA 95747**
  
2. Each Contractor shall fully complete the Prequalification Statement and timely submit all documents as indicated therein. No other prequalification documents submitted by Contractor will meet these requirements. All information requested in the Prequalification Questionnaire must be provided in order for a Prequalification Statement to be considered responsive. The Prequalification Statement shall be submitted simultaneously as one package- it shall not be submitted piecemeal. Contractors shall submit one (1) complete Prequalification Statement with required attachments in hard copy format (i.e., 8-½" x 11" paper) in a sealed envelope as indicated above. A Contractor's submission of an incomplete and/or unclear Prequalification Statement will likely result in a determination that the Contractor is non-responsive.
  
3. AB 574 provides that "The questionnaires and financial statements shall not be public records and shall not be open to public inspection; however, records of the names of the contractors applying for prequalification status shall be public records subject to disclosure" under the Public Records Act. (Section 20101[a]). The model questionnaire forms provided by the District indicate that the "Contractor's Information Sheet" of each questionnaire is a public record, and that all other pages of the questionnaire are not public records.
  - a. If prequalified, Contractors will be prequalified for one calendar year following the date of initial prequalification.
  - b. The District reserves the right to:
    - (1) Request that Contractor(s) update prequalification forms;
    - (2) Request that Contractor(s) update prequalification forms on a quarterly basis;
    - (3) Revoke and/or rescind the prequalification status of a Contractor;
    - (4) Use some or all of the information provided in the Prequalification Statement for evaluation purposes.

- c. The District reserves the right, in its sole discretion, to reject any or all Prequalification Statements or to waive irregularities in any Prequalification Statement received.
4. A Contractor's Prequalification Statement shall be deemed non responsive if:
  - a. Contractor does not provide all requested information.
  - b. The Prequalification Questionnaire is not signed under penalty of perjury by individuals who have the authority to bind the Contractor on whose behalf they are signing.
  - c. Information contained in the Prequalification Statement is not updated under penalty of the perjury when it is no longer accurate.
  - d. Any information provided by the Contractor is misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported). Even after a Contractor has been prequalified, the District reserves the right to revoke that determination at any subsequent time, to terminate any contract awarded, and to cease making payments if it determines that any information provided by the Contractor in its Prequalification Statement or subsequently was incomplete, misleading, or inaccurate in any material manner.
5. Any Contractor wishing to submit a bid must have their Prequalification Statement approved by the District at least five business days prior to the opening of sealed bids.

### **C. Appealing a Qualification Finding**

1. A Contractor may appeal the District's decision. If a Contractor decides to appeal the District's qualification decision, it must follow this procedure: Contractor shall submit, in writing, within five (5) working days from notification, a request for a written response from the District to explain any aspects of the District's determination.
2. Within five (5) working days from receipt of the District's written response to the Contractor's request, Contractor may submit, in writing, a request for a meeting with the District's staff. Contractor may submit with the request any and all information that it believes supports a finding that the District's determination should be changed.
3. Within five (5) working days from the receipt of the District's written response to the Contractor's submittal of information, Contractor may submit, in writing, a request for a meeting with the Assistant Superintendent at which time Contractor may discuss information that it believes supports a finding that District's determination should be changed.
4. Within five (5) working days from the receipt of the District's written response to the Contractor's request, Contractor may submit, in writing, a request that the District's finding be submitted to the District's Governing Board ("Board"), at which time the Contractor may address the Board pursuant to the Board's procedures for public inquiry.



**Prequalification Questionnaire  
Contractor's Information**

1. Firm Name (As it Appears on License):

\_\_\_\_\_

Corporation

Partnership

Sole Proprietor

2. Mailing Address of Firm:

\_\_\_\_\_

Physical Address of Firm, If Different From Mailing:

\_\_\_\_\_

Telephone#: \_\_\_\_\_ Email: \_\_\_\_\_

3. Officers, Owners, or Principals of Firm:

\_\_\_\_\_

\_\_\_\_\_

4. Contractor's License Number(s): \_\_\_\_\_

Types of Valid CA. Contractor Licenses: \_\_\_\_\_

5. State of Organization: \_\_\_\_\_ Date

Established: \_\_\_\_\_

## Part I. Essential Requirements for Qualification

Contractor will be immediately disqualified if the answer to any of the questions 1-5 “no”<sup>1</sup>.

Contractor will be immediately disqualified if the answer to any of the questions 6-9 is “yes”<sup>2</sup>. If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.

Yes       No

2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.

Yes       No

3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.

Yes       No

4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?<sup>3</sup>

Yes       No

**Note: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.**

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<sup>1</sup> A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.

<sup>2</sup> A contractor disqualified solely because of a “Yes” answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

<sup>3</sup> Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 per cent of the qualifying amount provided in section 14837(d)(1).” As of January 1, 2001, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?<sup>4</sup>

Yes       No

**Note: Notarized statement must be from the surety company, not an agent or broker.**

6. Has your contractor's license been revoked at any time in the last five years?

Yes       No

7. 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

8. At the time of submitting this pre-qualification 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:

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9. 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

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<sup>4</sup> An additional notarized statement from the surety may be requested by *Public Entity* at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.



**Part II. Organization, History, Organizational Performance, Compliance with Civil and Criminal Laws**

**A. Current Organization and Structure of the Business**

**For Firms That are Corporations:**

A.1 Date incorporated: \_\_\_\_\_

A.2 Under the laws of what State: \_\_\_\_\_

A.3 Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, or treasurer) or (b) the owner of the least ten percent (10%) of the corporation’s stock.

Name	Position	Years with Co.	% Ownership	Social Security #

A.4 Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**Note: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm


**For Firms That are Partnerships:**

A.1 Date of formation: \_\_\_\_\_

A.2 Under the laws of what State: \_\_\_\_\_

A.3 Provide all of the following information for each partner who owns ten percent of more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

A.4 Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**Note: For this question, “owner” and “partner” refer to the ownership of ten percent of more of the business, or ten percent of more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

**For Firms that Intend to Make a Bid as Part of a Joint Venture:**

A.1 Date of commencement of joint venture: \_\_\_\_\_

A.2 Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of Firm	% Ownership of Joint Venture

**B. History of the Business and Organization Performance:**

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

**Note: A corporation whose shares are publicly traded is not required to answer this question.**

Yes       No

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

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

**Note: Include information about other firms if one firm owns fifty percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

Yes       No

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

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 page.

4. State your firm's gross revenues for each of the last three years:

Year:

Gross Revenues:

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

6. Is your firm currently the debtor in a bankruptcy case?

Yes       No

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

7. Was your firm in bankruptcy at any time during the last five years?

**Note: 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:

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9. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

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10. Has your firm changed names or license number in the past five years?

Yes       No

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

11. Has any owner, partner, or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?

Yes       No

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

12. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes       No

If “yes,” explain on a separate signed page.

## Disputes

13. 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?

Yes       No

If “yes,” explain on a separate signed page, identifying all such projects by owner, owner’s address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

14. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

**Note: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1C or 1D on this form.**

Yes       No

15. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes       No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

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**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 \$50,000.**

16. In the past five years has any claim **against** your firm concerning your firm’s work on a construction project been **filed in a court or arbitration?**

Yes       No

If “yes,” explain on a separate signed page. 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).

17. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contractor and **filed that claim in court or arbitration?**

Yes       No

If “yes,” explain on a separate signed page. Identify the claim(s) by providing the project name, date of the claim, name of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

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

Yes       No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

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

Yes       No

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

### **Criminal Matters and Related Civil Suits**

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

Yes       No

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

21. 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 construction?

Yes       No

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

22. Has your firm or any of its owners, officers, or partners ever been convicted of a federal or state crime of fraud, theft or any other act of dishonesty?

Yes       No

If "yes," explain 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**

23. Bonding capacity: Provide documentation from your surety identifying the following:

Name of the Bonding Company/Surety:

\_\_\_\_\_  
Name of the surety agent, address, and telephone number:  
\_\_\_\_\_

24. If your firm was required to pay a premium of more than one percent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent (1%), if you wish to do so.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

25. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

Yes       No

If “yes,” explain on a separate signed page indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

### **C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety**

1. Has CLA OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

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

Yes       No

If “yes,” explain on a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

**Note: If you 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,” explain on a separate signed page.

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

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

Yes       No

If “yes,” explain on a separate signed page describing each citation.

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

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5. List your firm’s Experience Modification Rate (EMR) (California Workers’ Compensation Insurance) for each of the past three premium years:

**Note: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.**

Current Year: \_\_\_\_\_

Previous Year: \_\_\_\_\_

Year prior to Previous Year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter or explanation.

6. Within the last five years has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance?

Yes       No

If “yes,” explain on a separate signed page the reason for the absence of workers’ compensation insurance. 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**

- 7. 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? **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," explain on a separate signed page, 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.

- 8. 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?

Yes       No

If "yes," explain on a separate signed page, 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, the amount of back wages you were required to pay along with the amount of any penalty paid.

- 9. Provide the **name, address, and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by *Dry Creek Joint Elementary School District*.

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

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

10. If your firm operates its own State-approved apprenticeship program:

a. Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

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b. State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s):

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c. State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of Persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

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

**Note: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.**

Yes       No

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

### Part III. Recent Construction Projects Completed

1. Contractor shall provide information about its six most recently completed public works projects and its three largest California K-12 projects within the last three years. 5 names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Contact (Name & Number): \_\_\_\_\_

Architect or Engineer: \_\_\_\_\_

Architect or Engineer Contact (Name & Number): \_\_\_\_\_

\*If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

Construction Manager: \_\_\_\_\_

Construction Manager (Name & Number): \_\_\_\_\_

Description of Project, Scope of Work

Performed: \_\_\_\_\_

Total Value of Construction (Including change orders): \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Time Extensions Granted (Number of Days): \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

\* \* \* \* \*

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

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

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

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

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