



RFQ09-03

**PRE-QUALIFICATION OF
CONSTRUCTION CONTRACTORS
SEEKING TO BID ON THE**

**MOTHERLODE FORCEMAIN PHASE IIA/IV
PUBLIC WORKS PROJECT**

PROJECT NUMBERS 00004E.01/09010E.01

JUNE 26, 2009

QUALIFICATIONS DUE:

3:00 p.m. local time on Wednesday July 15, 2009

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REQUEST FOR PRE-QUALIFICATION OF BIDDERS

Notice is hereby given that this Request for Pre-Qualification of Bidders (RFQ) is issued by the El Dorado Irrigation District (District) to pre-qualify all contractors that are interested in performing the Motherlode Forcemain Phase IIA/IV project, District Project Numbers 00004E and 09010E.

The project is located in Shingle Springs, California and generally consists of:

- Construct and tie-in approximately 1,400 linear feet of 20-inch PVC forcemain on Durock Road near Business Park Drive in Shingle Springs. (Phase IIA)
- Construct and tie-in approximately 6,000 linear feet of 20-inch PVC forcemain on Motherlode Drive between Greenstone Road and Buckeye Road in Shingle Springs. (Phase IV)
- The District intends to bid this project in August 2009 and require construction be completed in 2009.
- The estimated value of this project is \$2.5 to \$3 million.

The Phase IIA portion of the project was formerly part of the El Dorado County Department of Transportation (DOT) "Durock Road & Business Drive Traffic Signal, Intersection Widening and EID Sewer Force Main" public works project. The Phase IIA forcemain work has since been removed from the DOT project and now will be bid and constructed with the Phase IV work as a District project. In February 2009 the District issued RFQ09-01 for the pre-qualification of contractors for the District's Phase IIA forcemain portion of the DOT project. **Contractors who successfully pre-qualified under RFQ09-01 are already eligible to bid the Motherlode Forcemain Phase IIA/IV project and do not need to respond to this RFQ09-03.**

The following contractors successfully prequalified under RFQ09-01:

- KJ Woods
- Doug Veerkamp
- Sierra Nevada
- Lorang Brothers
- Lund Construction
- Teichert
- Argonaut Constructors
- McGuire and Hester

All firms that applied for pre-qualification in response to RFQ09-01 but were unsuccessful are ineligible from applying for pre-qualification in response to this RFQ09-03 and are ineligible to bid the Motherlode Forcemain Phase IIA/IV project.

All other contractors that are interested in bidding the Motherlode Forcemain Phase IIA/IV project must apply for pre-qualification in response to this REQ09-03 and successfully complete that process to be eligible to bid the Motherlode Forcemain Phase IIA/IV project. No bid will be accepted from any contractor that has failed to comply with these requirements.

If two or more business entities submit a bid as part of a joint venture, or expect to submit a bid as part of a joint venture, each entity within the joint venture must be separately qualified to bid.

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The District will use these documents as the basis of rating contractors in this pre-qualification process. The District reserves the right to check other sources available. The District's decision will be based on objective evaluation criteria.

Five (5) printed copies of the pre-qualification questionnaire shall be submitted to the District in a sealed envelope. Sealed pre-qualification questionnaires will be received by the District at the front desk of the first floor of its Customer Service Building located at 2890 Mosquito Road, Placerville, California 95667, no later than 3:00 p.m. local time, on Wednesday July 15, 2009. All pre-qualification questionnaire envelopes will be time stamped to reflect their submittal time. Proposals received after the submission deadline will not be accepted and will be returned unopened to proposer. The District will not accept proposals submitted by e-mail or facsimile transmission.

The sealed envelope containing the pre-qualification questionnaire shall be labeled: **"CONFIDENTIAL – Attention: Mike Brink, P.E., Senior Engineer, Pre-Qualification Application for the Motherlode Forcemain Phase IIA/IV Project, RFQ 09-03."**

The District reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification 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 pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the determination of bidder responsibility prior to bid, neither the fact of pre-qualification, nor any pre-qualification rating will preclude 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.

All questions about the meaning or intent of the pre-qualification documents must be submitted in writing (via U.S. mail, facsimile transmission, or e-mail) to Mr. Mike Brink or Ms. Janice Ster at the following addresses:

El Dorado Irrigation District
2890 Mosquito Rd.
Placerville, CA 95667
Attn: Mike Brink, P.E., Senior Engineer
Fax: (530) 642-4354
E-mail: mbrink@eid.org

El Dorado Irrigation District
2890 Mosquito Rd.
Placerville, CA 95667
Attn: Janice Ster, Assistant Engineer
Fax: (530) 642-4579
E-mail: jster@eid.org

To be considered, questions must be received by the District **no later than 1:00 p.m., Pacific Standard Time, on Wednesday, July 8, 2009**. Interpretations or clarifications considered necessary by the District in response to such questions will be issued by written addenda mailed, faxed, or delivered to all parties recorded by the District as having received the Pre-Qualification Questionnaire to the address or fax number supplied by contractor to the District. In addition, all written addenda will be posted to the District's website at (http://www.eid.org/in_business.htm).

Only questions answered by formal written addenda issued by the District will be binding. Oral and other interpretations or clarifications of any pre-qualification materials or requirements will be without legal effect. However, District may, upon inquiry by contractor, orally direct contractor's attention to specific provisions of the pre-qualification materials which cover the subject of the inquiry. In addition:

- a. Addenda may also be issued to modify the prequalification materials as deemed advisable by the District.
- b. Addenda shall be acknowledged by number with signature in contractor's pre-qualification application and shall be part of the pre-qualification documents. A complete listing of addenda may be obtained from the District.

The pre-qualification packages (questionnaire answers and financial statements) 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 purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be 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. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury.

The District reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

A contractor's failure to submit all required information entitles the District to reject the prequalification application as non-responsive. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the contractor delivering notice to the District (Attention: Office of the General Counsel) of its appeal of the decision with respect to its pre-qualification rating, no later than ten calendar days following District's posting of the results of the pre-qualification process for the Project in the glass case outside the front door of the District's main office and on the District's website at www.eid.org. The procedure and time limits set forth herein are mandatory and are contractor's sole and exclusive remedy in the event of a protest of the results of this pre-qualification process. Contractor's failure to comply with these procedures shall constitute a waiver of any and all rights to challenge the decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. A contractor may not rely on an appeal submitted by another contractor, but must timely pursue its own appeal.

The District will use reasonable efforts to deliver by e-mail a copy of this notice of the results of the pre-qualification process to all contractors who submitted pre-qualification applications no later than the business day after issuance of the notice, although any delay or failure to do so will not extend the appeal deadline described herein.

Contractor's initial appeal must contain a complete statement of the basis for the appeal. The appeal must refer to the specific portion of the pre-qualification materials that forms the basis for the appeal. The appeal must include the name, address and telephone number of the person representing the appealing party. Only contractors who have submitted timely, complete pre-qualification applications are eligible to appeal. Appeals from any other contractor will not be considered.

Upon receipt of a timely notice of appeal meeting the requirements stated herein:

- a. The District will provide written notification to contractor of the basis for contractor's disqualification and any supporting evidence that has been received from others or adduced as a result of an investigation by the District.
- b. Contractor will be given the opportunity to submit a written rebuttal of any evidence used as a basis for disqualification and to present written evidence to the District as to why the contractor should be found qualified.
- c. If timely requested by contractor, the District will also conduct a hearing for the same purpose as item b above, which will be an informal process before

a panel of District staff including: (i) the Director of Engineering, or his or her designee; (ii) the General Counsel, or his or her designee; and (iii) the General Manager or his or her designee.

- d. The District will render its decision on the appeal no later than four business days prior to the last date for District's receipt of bids on the Motherlode Forcemain Phase IIA/IV Project. It is the intention of the District that the date for the submission and opening of bids for the project will not be delayed or postponed to allow for completion of an appeal process.

PRE-QUALIFICATION QUESTIONNAIRE

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership

Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “no.”¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.”² 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
 Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?³
 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.

¹ 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.

² 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.

³ 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 percent 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?⁴
- 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:
- _____
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

⁴ 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:

- 1a. Date incorporated: _____
- 1b. Under the laws of what state: _____
- 1c. 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 ten percent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. 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 10 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:

- 1a. Date of formation: _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each partner who owns 10 percent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. 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 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 Company	Dates of Person's Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
- 1b. Social security number of company owner. _____
- 1c. Identify every construction firm that the business owner 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 Company	Dates of Person's Participation with Company

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

- 1a. Date of commencement of joint venture. _____
- 1b. 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 Organizational 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," attach a separate, signed page explaining your answer.

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 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," attach a separate, signed page explaining your answer.

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," attach a separate, signed page explaining your answer.

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

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," 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? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

Yes No

If "yes," 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:

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.

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

Yes No

If "yes," attach a separate, signed page explaining your answer, 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," attach a separate, signed page explaining your answer, 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," attach a separate, signed page explaining your answer.

Disputes

13. At any time in the last five years has your firm been assessed liquidated damages after completion of a project under a construction contract with either a public or private owner?

Yes No

If yes, attach a separate, signed page explaining your answer, 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 and your appeal thereof, if applicable.

14. At any time in the last five years has your firm paid liquidated damages assessed after completion of a project under a construction contract with either a public or private owner?

Yes No

If yes, attach a separate, signed page explaining your answer, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and paid, and all other information necessary to fully explain the assessment and payment of liquidated damages.

15. 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

If "yes," attach a separate, signed page explaining your answer. State whether the firm involved was the firm applying for pre-qualification 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.

16. 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," attach a separate, signed page explaining your answer. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * * *

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 \$50,000.

17. 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**?

Yes No

If "yes," attach a separate, signed page(s) identifying 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).

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

Yes No

If "yes," attach a separate, signed page(s) identifying the claim(s) by providing the project name, date 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).

* * * * *

19. 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," attach a separate, signed page explaining 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.

20. 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," attach a separate, signed page explaining your answer. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. 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," attach a separate, signed page explaining your answer, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

22. 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?

Yes No

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

23. 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," attach a separate, signed page identifying 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

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

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

25. If your firm was required to pay a premium of more than one percent 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, if you wish to do so.

_____ %

26. 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:

27. 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, attach a separate, signed page providing details 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

28. 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?

Yes No

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, state the case number and the date of the decision, if issued. If no decision has been issued, you may explain the basis of your appeal.

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

Yes No

If "yes," attach a separate signed page describing each citation. 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 may explain the basis of your appeal.

30. 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?

Yes No

If "yes," attach a separate signed page describing each citation. 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 may explain the basis of your appeal.

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

32. 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 of explanation.

33. 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," attach a separate, signed page explaining the reason for the absence of workers' compensation insurance. If "no," 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

34. 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," attach 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.

35. 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," attach a separate signed page 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, and the amount of back wages and penalties you were required to pay.

- 36. 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 El Dorado County Department of Transportation.

Or, 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.
- (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).
- (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.

- 37. 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).

PART III. RECENT PUBLIC WORKS CONSTRUCTION PROJECTS COMPLETED

38. Contractor shall provide information about its six most recently completed public works projects similar in size and complexity to the EID Force Main Work of the Project.⁵ The Projects should include pressurized water or sewer pipelines constructed in public right of ways. 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 and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

⁵ 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.

Total Value of 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.

Date

Name

LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

For Reference Only, Not to be Submitted by Contractor

LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

The scorable questions arise in three different areas:

- (I) History of the business and organizational performance;
- (II) Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and
- (III) Completion of recent projects and quality of performance.

The interview questions (interviews by El Dorado Irrigation District of project managers on projects completed recently by the contractor) are included in group III.

Note: Not all questions in the Pre-Qualification Questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers and history. This document includes only those questions that are "scorable." The question numbers in this document are the numbers used in the Pre-Qualification Questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Scores Needed for Prequalification

To prequalify, contractor must have a passing grade within each of the three large categories referred above.

For Section I, "History of the business and organizational performance," the passing score is **60** (of a maximum score of 76 on this portion of the questionnaire).

For Section II, Compliance with occupational safety and health laws, workers' compensation and other labor legislation, the passing score is **37** (of a maximum score of 53 points on this portion of the questionnaire).

Section III, Completion of recent projects and quality of performance, includes a series of interview questions asked of the project managers for the owners of completed projects randomly selected from the list of relevant projects of similar scope provided by contractor in its Pre-Qualification Questionnaire. The District will determine which projects are relevant. Two interviews will be conducted. The maximum score for each interview is 120 points. To pass this section, contractor must receive at least **90** points for each interview. If, however,

contractor receives a score of at least 90 points for one interview and between 72 and 89 points for the other interview, a third interview will be conducted by randomly selecting one additional relevant project from the list submitted by contractor. If contractor receives a score of at least 90 points for the third interview, contractor will be deemed to have met the requirements for passing this section.

Notwithstanding the foregoing, however, in the event that less than two (2) of the contractors who apply for pre-qualification hereunder and meet the requirements for passing this section as stated in the immediately preceding paragraph, the District may, at its own discretion, adjust the requirements for passing this section as follows: contractors receiving at least 72 points for each of the first two interviews will be deemed to have met the requirements for passing this section; contractors receiving less than 72 points for either of the first two interviews will be denied pre-qualification and no additional interviews will be conducted.

Questions about History of the Business and Organizational Performance

(16 questions)

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

_____ years

3 years or less = 2 points

4 years = 3 points

5 years = 4 points

6 years or more = 5 points

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

Yes No

“No” = 3 points

“Yes” = 0 points

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

Yes No

“No” = 3 points

“Yes” = 0 points

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

“No” = 5 points
“Yes” = 0 points

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

No projects with liquidated damages of more than \$50,000, or 1 project with liquidated damages = 5 points

Two projects with liquidated damages of more than \$50,000 = 3 points

Any other answer: 0 points

15. 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

“No” = 5 points
“Yes” = 0 points

16. 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

“No” = 5 points
“Yes” = 0 points

* * * * *

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 \$50,000.

17. 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?**
 Yes No

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No"

3 points for "Yes" indicating 1 such instance

1 points for "Yes" indicating 2 such instances

0 points for "Yes" if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

1 points for "Yes" indicating 3 such instances

0 points for "Yes" if more than 3 such instances

18. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and **filed that claim in court or arbitration?**
 Yes No

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No"

3 points for "Yes" indicating 1 such instance

1 point for "Yes" indicating 2 such instances

0 points for "Yes" if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

1 points for "Yes" indicating 3 such instances

0 points for "Yes" if more than 3 such instances

* * * * *

19. 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

5 points for either "No" or "Yes" indicating 1 such claim
0 points for "Yes" indicating no more than 2 such claims
Subtract five points for "Yes" if more than 2 such claims

20. 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

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

21. 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

"No" = 5 points
"Yes" = subtract 5 points

22. 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?

Yes No

"No" = 5 points
"Yes" = subtract 5 points

23. 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

"No" = 5 points
"Yes" = subtract 5 points

25. If your firm was required to pay a premium of more than one percent 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, if you wish to do so.

_____ %

5 points if the rate was no higher than 1.00%

3 points if the rate was no higher than 1.10%

0 points for any other answer

27. During the last five years, has your firm ever been denied bond credit 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

“No” = 5 points

“Yes” = 0 points

**Questions about compliance with safety, workers compensation,
prevailing wage and apprenticeship laws.**

(11 questions)

28. 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?

Yes No

If the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for “No”

3 points for “Yes” indicating 1 such instance

0 points for “Yes” indicating 2 such instances

Subtract 5 points for “Yes” if more than 2 such instances

If the firm’s average gross revenue for the last three years was more than \$50 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” indicating 3 such instances

Subtract 5 points for “Yes” if more than 3 such instances

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

Yes No

If yes, attach a separate signed page describing each citation.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No"

3 points for "Yes" indicating 1 such instance

0 points for "Yes" indicating 2 such instances

Subtract 5 points for "Yes" if more than 2 such instances

If the firm's average gross revenue for the last three years was more than \$50 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" indicating 3 such instances

Subtract 5 points for "Yes" if more than 3 such instances

30. 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?

Yes No

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No"

3 points for "Yes" indicating 1 such instance

0 points for "Yes" indicating 2 such instances

Subtract 5 points for "Yes" if more than 2 such instances

If the firm's average gross revenue for the last three years was more than \$50 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" indicating 3 such instances

Subtract 5 points for "Yes" if more than 3 such instances

31. 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 for an answer of once each week or more often.
0 points for any other answer

32. 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 of explanation.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

5 points for three-year average EMR of .95 or less
3 points for three-year average of EMR of more than .95 but no more than 1.00
0 points for any other EMR

33. 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

5 points for either "No" or "Yes" indicating 1 such instance
0 points for any other answer

34. Has there been more than one occasion during the last five years on 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?

Yes No

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.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" indicating 3 such instances

Subtract 5 points for "Yes" if more than 3 such instances

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating either 1 or 2 such instances

3 points for "Yes" indicating 3 such instances

0 points for "Yes" indicating 4 such instances

Subtract 5 points for "Yes" if more than 4 such instances

35. During the last five years, has there been more than one occasion on 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 the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" indicating 3 such instances

Subtract 5 points for "Yes" if more than 3 such instances

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating either 1 or 2 such instances

3 points for "Yes" indicating 3 such instances

0 points for "Yes" indicating 4 such instances

Subtract 5 points for "Yes" if more than 4 such instances

36. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by the El Dorado Irrigation District.

Or, 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.
- (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).
- (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.

5 points if one or more persons completed an approved apprenticeship while employed by your firm or if at least one approved apprenticeship program sponsor is listed

0 points if no persons completed an approved apprenticeship while employed by your firm or no approved apprenticeship program sponsor is listed

37. 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).

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for “No” or “Yes” indicating 1 such instance
3 points for “Yes” indicating 2 such instances
0 points for “Yes” indicating 3 such instances
Subtract 5 points for “Yes” if more than 3 such instances

If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating either 1 or 2 such instances.
3 points for “Yes” indicating 3 such instances
0 points for “Yes” indicating 4 such instances
Subtract 5 points for “Yes” if more than 4 such instances

Questions concerning recent public works construction projects completed:
 (1 question, plus 13 interview questions)

38. Contractor shall provide information about its six most recently completed public works pipeline projects similar in size and complexity to the Motherlode Forcemain Phase IIA/IV project.⁶ 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 and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

⁶ 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 (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Total Value of Change Orders: _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

* * * * *

INTERVIEW QUESTIONS

INTERVIEW QUESTIONS

The following questions will be used to interview project managers of completed projects randomly selected from the list provided by contractor. El Dorado Irrigation District will conduct the interviews. No action on the contractor's part is necessary. These questions are included in the package given to the contractor for information only.

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 were recorded more than 120 days ago? (1 point for each is deducted from overall score with no limit on amount deducted)
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel and equipment to perform the work? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, how well did the contractor's field supervisors manage the work and coordinate with your construction manager and field personnel? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
5. Were the contract and intermediate milestones 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 completing the milestones on time?
6. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
7. 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 integrate the change order work into the existing work. (Max. 10 points)
8. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed time critical tie-ins to active water or wastewater utilities. (Max. 10 points)

9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor worked with your operation's staff. (Max. 10 points)
10. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor work with the public related to traffic diversions. (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor worked with its subcontractors and your field inspectors. (Max. 10 points)
12. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work by the contractor overall? (Max. 10 points)
13. On a scale of 1-10, with 10 being the best, how would you rate the performance by the contractor overall? (Max. 10 points)