

CONTRACTOR PREQUALIFICATION PACKET  
FOR THE  
[NAME OF PROJECT]  
[COUNTY PROJECT # XXXXXX]



PREPARED BY:  
HUMBOLDT COUNTY  
PUBLIC WORKS DEPARTMENT

FOR:  
[NAME OF CLIENT DEPARTMENT]

[DATE]

*[TEMPLATE DOCUMENT]*

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**NOTICE TO BIDDERS**  
**CONTRACTOR PREQUALIFICATION FOR**  
**[NAME OF PROJECT]**  
**PROJECT [#XXXXXX]**

Notice is hereby given that the County of Humboldt (COUNTY) has determined that all bidders on the [NAME OF PROJECT] Project (Project #XXXXXX) to be undertaken by the COUNTY must be pre-qualified prior to submitting a bid on that project. The current estimate for the Project is approximately [\$XX,XXX,XXX]. No bid will be accepted from a Contractor that has failed to comply with the requirements of this NOTICE TO BIDDERS.

Copies of the Contractor Prequalification Packet for the [NAME OF PROJECT] Project, [#XXXXXX] are available for download from the County's website at: <https://humboldt.gov/Bids.aspx>. **Contractors are responsible for monitoring this website for addendums to the Prequalification Package and answers to timely submitted questions.** The Prequalification Package may also be seen at Humboldt County Department of Public Works, 1106 Second Street, Eureka, California. The COUNTY makes no guarantees and assumes no responsibility for information obtained from and errors that may exist in copies of the Prequalification Package retrieved from any other source.

Contractors shall possess a California [Class B] license to bid as the Prime Contractor on this project. It is mandatory that all Contractors who intend to submit a bid, fully complete the Application for Prequalification (included in this Prequalification Packet), provide all materials requested therein, and be approved by the County of Humboldt to be on the final pre-qualified bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid 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. The last date to submit a fully completed questionnaire is 5:00 p.m. on [mm/dd/yy]. *[To be MINIMUM 35 days prior to the bid closing date].* **Contractors are encouraged to submit their completed Application for Prequalification as soon as possible to allow the COUNTY, at their sole discretion, to notify Contractors of omissions of information to be remedied, and notify Contractors of their pre-qualification status in advance of the bid advertisement for this project.**

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 COUNTY will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. The COUNTY reserves the right to check other sources available. The County of Humboldt's decision will be based on objective evaluation criteria.

The COUNTY 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 County of Humboldt in determining bidder responsibility prior to bid and to aid the COUNTY in selecting

the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the COUNTY from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

**[One original and 3 copies]** of the Application for Prequalification shall be submitted to the address below. Digital copies and electronic submissions via email will not be accepted. The pre-qualification applications should be submitted under seal and marked "CONFIDENTIAL: PREQUALIFICATION SUBMITTAL PACKAGE FOR PROJECT [XXXXXX] – TIME SENSITIVE" to:

Humboldt County Department of Public Works  
Attn: Thomas K. Mattson, Director  
1106 Second Street  
Eureka, CA 95501

The pre-qualification applications (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection or public review. 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, it is the Contractor's responsibility to immediately notify the COUNTY and provide updated accurate information in writing, under penalty of perjury. Any information that is determined to be incorrect will lead to disqualification of Contractor before or after bidding.

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

Contractors may submit completed Applications for Prequalification via mail or delivery service during regular working hours on any day that the offices of the Humboldt County Department of Public Works is open, to the address above. Contractors who submit a complete Application for Prequalification will be notified of their qualification status no later than ten (10) calendar days after receipt by the COUNTY.

The COUNTY may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by 5:00 p.m. on **[mm/dd/yy]** *[date specified above and in schedule – minimum 35 days before bid closing]* There is no appeal from a refusal for an incomplete or late application, but re-application for a later project will be permitted. The closing time for bids or the acceptance of bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

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 County of Humboldt of its appeal of the decision with respect to its pre-qualification rating, no later than 5:00 pm on the fifth calendar day following the day on which the notice of prequalification determination. Without a timely

appeal, the Contractor waives any and all rights to challenge the decision of the County of Humboldt, whether by administrative process, judicial process or any other legal process or proceeding.

Upon notice of dis-qualification, the Contractor will be notified of the basis for the prospective bidder's disqualification and provided with any supporting evidence that has been received from others or adduced as a result of an investigation by the COUNTY. If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten (10) calendar days after the COUNTY's receipt of the notice of appeal, and no later than five (5) business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by a panel to whom the County has delegated responsibility to hear such appeals (the "Appeals Panel"). The Director of Public Works shall appoint, prior to commencing the prequalification process, three or more public employees, who have expertise regarding projects similar to this project, to serve as the Appeals Panel. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within two (2) business days after the conclusion of the hearing, and barring any external unforeseen conditions, the Appeals Panel will render its decision. It is the intention of the COUNTY that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

**Note:** A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the COUNTY, or on all contracts to be let by the COUNTY until the contractor meets the COUNTY's requirements. In addition, a contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

\* \* \* \* \*

**NOTICE:** To contractors who are using subcontractors for this job, please be advised that the COUNTY **may** require, as to subcontractors, one of the following:

The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

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- Pre-qualification of all subcontractors.
- Pre-qualification of subcontractors in certain crafts.
- Post-bid qualification review.

## **PROJECT OVERVIEW AND INSTRUCTIONS FOR THE PREQUALIFICATION PROCESS**

The County of Humboldt (“County”) is requesting Applications for Prequalification of bidders who intend to submit competitive proposals for construction services to construct the County’s [NAME OF PROJECT] (“Project”), located at [ADDRESS OR LOCATION OF PROJECT], California. The County’s competitive selection process will proceed in two steps.

Step 1: The Construction General Contractor pre-qualification phase.

Step 2: Submittal of bids according to the requirements of the bid documents. Only those Contractors that are successfully qualified in Step 1 will be allowed to participate in Step 2.

### **GENERAL DESCRIPTION OF THE PROJECT**

Project No.: [XXXXXX]

The County’s construction budget limit is approximately [\$XX,XXX,XXX]

Description of the Project:

[PROVIDE DESCRIPTION OF PROJECT INCLUDING:

LOCATION, AREA, SIZE, SCOPE, MAJOR COMPONENTS, PROJECT DESIGN TEAM, STATUS OF CONSTRUCTION DRAWING SET, FUNDING SOURCES, DBE & OTHER SPECIAL REQUIREMENTS AS APPLICABLE]

Construction is anticipated to commence [APPROXIMATE START OF CONSTRUCTION DATE]. The County expects to complete the entire scope of construction for the [NAME OF PROJECT] improvements by [APPROXIMATE DATE OF COMPLETION].

### **MINIMUM BONDING REQUIREMENTS**

The minimum bonding capacity will equal the construction budget. Prospective Contractors that cannot provide notarized verification of the minimum bonding for that amount, as specified in the questionnaire, will not be considered qualified despite being qualified in other parts of the prequalification process.

### **NOTICE OF PREQUALIFICATION REQUIREMENTS**

Notice is hereby given that the COUNTY has determined that all bidders on the Project must be prequalified prior to submitting a bid. It is mandatory that all Contractors who intend to submit a bid, fully complete this Application for Prequalification Document, provide all materials requested herein and be pre-approved by the COUNTY to be on the final qualified Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements.

Answers to questions contained in the Application for Prequalification document, 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 County will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. The County reserves the right to check other sources available. The County's decision will be based on objective evaluation criteria.

The intent of the Pre-Qualification Documents and supporting information required, is to assist the County in determining bidder responsibility prior to submission of bid. Neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the County from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

A Contractor will not be considered as qualified for bidding on this Project, until the Contractor has met the requirements of the County. In addition, a Contractor may not be considered qualified for either: (1) Omission of requested information or (2) Falsification of information.

### **IMPORTANT PROVISIONS OF THE PUBLIC CONTRACT CODE RELATED TO PRE-QUALIFICATION**

In 1999, the California Legislature enacted a law that allows many public agencies, including Humboldt County, to require licensed Contractors that wish to bid for public works jobs to "pre-qualify" for the right to bid on a specific public work project, or on projects undertaken by a public agency during a specified period of time. Public Contract Code Section 20101 has the relevant provisions; it was enacted as part of Assembly Bill 574.

The County of Humboldt has chosen to adopt the pre-qualification process described in Public Contract Code Section 20101. Section 20101 requires every public agency that creates a pre-qualification procedure to: (1) use a standardized questionnaire and financial statement in a form specified by the public entity, (2) adopt and apply a uniform system of rating bidders on objective criteria, on the basis of the completed questionnaire and financial statements, and (3) create an appeals procedure, by which a Contractor that is denied pre-qualification may seek a reversal of that determination.

### **PUBLIC RECORDS / CONFIDENTIALITY**

The Pre-Qualification Documents (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 an appeal hearing. State law requires that the names of Contractors applying for pre-qualification status shall be public records subject to disclosure; the Contact Information page of the questionnaire will be used for that purpose.

### **COUNTY OF HUMBOLDT RIGHTS**

The County 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.

The County may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by the date specified above. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

The County 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 for appealing a pre-qualification rating.

### **NOTICE OF COUNTY’S INSURANCE REQUIREMENTS**

The County of Humboldt has standard and specific insurance requirements for the Project. Please refer to Appendix D for draft insurance requirements.

### **QUESTIONS**

Contractors having questions regarding the prequalification process and/or the contents of the prequalification packet must submit questions in writing no later than the date as indicated in the Schedule Below. Questions received after the posted deadline will not be accepted nor answered. Only written inquiries are permitted. COUNTY will issue an addendum providing answers/clarifications to all written questions through posting of an addendum on the COUNTY’s website.

Questions shall be submitted in writing, via e-mail to:

HUMBOLDT COUNTY PUBLIC WORKS

Email address: [responsible staff email address]

Subject Line: “Prequalification Question – [Project #XXXXXX]”

COUNTY’s representative will only respond to written inquiries via addendum. This requirement is to ensure that the same information is communicated to all parties and to reduce the risk that inconsistent, incomplete, or inaccurate information is not transmitted separately.

### **SCHEDULE FOR PREQUALIFICATION PROCESS:**

The following schedule of events represents the COUNTY’s best estimate of the schedule that will be followed with regard to this prequalification process. The COUNTY hereby reserves the right, at its sole discretion, to adjust this tentative schedule as it deems necessary, including, without limitation, extending the deadline for submission of Prequalification Documents.

No.	Event	Date
1.	Release of Notice to Bidders of Contractor Prequalification by Public Works	XX/XX/XX
	Final Day for submittal of written questions	XX/XX/XX + 14 Days



2.	Application for Prequalification questionnaire packet and attachments submittal <b>due</b> to Humboldt County Public Works Department	<b>XX/XX/XX + 21 Days</b>
3.	Preliminary Contractor notification of qualification determination	Within 10 calendar days following County receipt of submittal. No later than 10 days following due-date.
4.	Deadline for appeals of pre-qualification determination	5 calendar days following transmittal of notice of qualification determination to Contractor.
5.	Final day for appeals process to complete.	10 days following Contractor's appeal request - no later than <b>XX/XX/XX</b>
6.	Final list of pre-qualified Contractors published	<b>XX/XX/XX</b> – 2 days following appeals completion. Will be no later than 7 days prior to bids due.

**PROCEDURE FOR QUALIFICATION OF CONTRACTOR**

The successfully qualified General Contractor must complete the Application for Prequalification and provide all requested information (Part I) and pass three levels of questions (Parts II, III & IV). The scores achieved for the three levels are not aggregated to a “total score” to achieve a pass-fail rating, rather, each level is a stand-alone threshold and must be passed sequentially. The parts of the questionnaire including the three levels in sequence are:

**PART I: INFORMATION ABOUT THE CONTRACTOR**

This part applies to the Contractor and is for identification purposes only. There is no scoring value to this part. The first page of this part is the only public information portion of the Application for Prequalification Document.

**PART II: ESSENTIAL REQUIREMENTS FOR THE CONTRACTOR**

This level is comprised of the minimum basic requirements that the Contractor must possess. The questions shall be answered by the proposed Contractor. Each question is a yes or no question, with the incorrect answer being immediately disqualifying. The Contractor must be able to answer all questions correctly and submit requested documents if applicable. If the Contractor passes this level, review of the submittal may proceed to the next level.

**PART III: SCORED QUESTIONS FOR THE CONTRACTOR**

This level is comprised of the qualifications regarding the Contractors prior history, criminal matters and civil suits, OSHA compliance and prevailing wage / apprenticeship compliance. The questions are answered by the proposed Contractor. In each case where the response is not “0”, the Contractor will be required to attach documentation for County review and scoring. If the Contractor passes this level, consideration of its qualifications will proceed to the next level.

**PART IV: RECENT CONSTRUCTION PROJECTS COMPLETED**

This part is comprised of 2 sections and requires the Contractor to submit **[5 public works projects**

**and 3 privately funded projects]** for review by the COUNTY.

- A. The first section of Part IV -Section E is not scored, but allows the County to collect information about a Contractor's recent projects. The information is meant to assist the County to conduct interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the Contractor wishing to pre-qualify. This may also provide the County with the means to verify answers provided in Parts II, III & IV G.
- B. The second section of Part IV - Section F involves evaluating the submitted projects on objective criteria as having relevant similarities to the project for which the Contractor is submitting the prequalification packet for. For each project identified, the Contractor is to answer the questions regarding the project's scope, identifying whether the identified element was a part of the submitted project or not. These elements have been identified by the County's project team as being significant indicators of project similarities that will demonstrate the Contractor's familiarity with the project constraints and construction type. The Contractor is prequalified for this part if the total score of the **[8 projects is XX%]** of the total possible score.

## **APPEAL PROCESS**

Where the scoring of a timely and completed Pre-Qualification Document 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 County of its appeal of the decision with respect to its pre-qualification rating. The Contractor shall submit their appeal in writing to the County no later than 5:00 p.m. on the fifth calendar day following the day on which the notice of pre-qualification determination was emailed to the Contractor.

Written appeals will be accepted via electronic mail sent to **[responsible staff email address]** with the subject line "Project #**[XXXXXX]** – Appeal of pre-qualification determination – *[name of contractor]*". Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the County, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted no later than ten (10) calendar days after County's receipt of the notice of appeal.

The hearing shall be an informal process conducted by a panel to whom the Director of Public Works has delegated responsibility to hear such appeals (the "Appeals Panel"). The Contractor will be given the opportunity to present information and present reasons in opposition to the rating.

Within two (2) business days after the conclusion of the hearing, the Appeals Panel will render its decision and the Contractor will be notified by the County of the decision. The decision of the Appeals Panel is final.

It is the intention of the County that the date for the submission of Bidding Documents will not be delayed or postponed to allow for completion of an appeal process.

## **REVIEW AND NOTIFICATION PROCESS**

The completed Application for Prequalification Document must be submitted by the deadline specified above. Once received, the review and notification process will be as follows:

1. The Application for Prequalification Document will be date stamped upon receipt.
2. The completed Application for Prequalification Document will be reviewed by County staff within ten (10) days from the receipt of the complete Application for Prequalification Document.
3. The Contractor will be notified of their qualification rating via electronic mail (email) within ten (10) days after the deadline date.
4. If the Contractor is rated as “Qualified” for this Project, it will be eligible for bidding on the Project and will be notified of the opportunity when the Bid Documents are issued.
5. If the Contractor is rated as “Non-Qualified” for this Project, it may initiate and appeal process within five (5) calendar days of notification as defined previously.
6. Following the appeal period as defined previously, Humboldt County Public Works will publish the final list of prequalified contractors on the County website.

# **APPLICATION FOR PREQUALIFICATION BEGINS ON FOLLOWING PAGE**

## **PART I - CONTRACTOR PRE-QUALIFICATION QUESTIONS**

### **A. CONTRACTOR INFORMATION**

(All Questions Must Be Answered – additional sheets may be attached if additional space is needed)

Firm Name (as it appears on CSLB license): \_\_\_\_\_

Firm Type (Select one): Corporation LLC Partnership Sole Proprietorship Joint Venture

Contact Person/Title: \_\_\_\_\_

(List Owner(s) if Firm is a Sole Proprietorship or Partnership)

Local Address (P.O. Box is not acceptable):

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_

Zip: \_\_\_\_\_

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

Contact Mobile: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

List all California construction or other professional license numbers, classifications and expiration dates held by your firm:

License Number	Classification	Expiration Date

List your firm's DIR Public Works Contractor (PWCR) Registration Number(s):

PWCR Number	Entity Name	Expiration Date

If any of your firm's license(s) are held in the name of a corporation, limited liability company, 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.

License Number	Qualifying Individual	Expiration Date

### **B. CURRENT ORGANIZATION AND STRUCTURE**

Complete the section below for the appropriate type of firm:

**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 Firm	% Ownership

- 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 ten percent or more of its stock, if the business is a corporation.**

Person's Name	Construction Firm	Date of Person's Participation with Firm

**For Firms That Are Limited Liability Companies (LLC):**

- 1a. Date Article of Organization filed: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for all members of the LLC:

Name	Position	Years with Firm	% Ownership

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 ten percent or more of its stock, if the business is a corporation.**

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

**For Firms That Are Partnerships:**

- 1a. Date incorporated: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each partner who owns ten percent or more of the firm.

Name	Position	Years with Firm	% Ownership

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 ten percent or more of its stock, if the business is a corporation.**

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

**For Firms That Are Sole Proprietorships:**

- 1a. Date of commencement of business \_\_\_\_\_
- 1b. 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 Firm	Date of Person’s Participation with Firm

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

- 1a. Date of commencement of joint venture: \_\_\_\_\_
- 1b. Provide all 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 Construction Firm	% Ownership

**Note: Explain on a separate sheet. Provide all other pertinent information required in the sections above, for each Corporation, LLC, Partnership, or Sole-Proprietorship that is a part of the Joint Venture.**

**FOR ALL FIRMS:**

- 2. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

Construction Firm	Description of Sharing Agreement	Location of Facilities



3. State your firm's gross revenues for each of the last three fiscal years:  
 Current year (\$): \_\_\_\_\_  
 Previous year (\$): \_\_\_\_\_  
 Year prior to previous year (\$): \_\_\_\_\_

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

5. Bonding Capacity – Provide documentation from your surety identifying the following:  
 Name of Bonding Company/Surety: \_\_\_\_\_  
 Name of Surety Agent: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_

6. 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates on which they were issued:

Name	Address	Date

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

9. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:  
 Current year rate: \_\_\_\_\_  
 Previous year rate: \_\_\_\_\_  
 Year prior to previous year rate: \_\_\_\_\_

10. Does your firm regularly utilize a third party consultant to review labor compliance documents of subcontractors on a public works project? Yes No

11. 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 employ on any public works project awarded by the County of Humboldt.

Name	Address	Phone

12. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the past three years.

Name	Address	Phone

13. 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);
  - (c) For each craft, list the number apprentices employed by your firm and the number of individuals that completed apprenticeships while employed by your firm during the last three years.

Craft	Year	No. Apprentices	No. Completed

14. Has your firm changed names or license number in the past five years? (If yes, explain on a separate sheet, including the reason for the change.)  Yes  No
15. Has there been any change in ownership of your firm at any time during the last five years? (If yes, explain on a separate sheet.)  Yes  No

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

16. Is your firm a subsidiary, parent, holding company or affiliate of another construction firm?  Yes  No  
(If yes, explain on a separate sheet.)

**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.**

17. Has any owner, partner and/or officer of your firm operated or been connected to a construction firm under any other name in the last five years not listed in Section A or Section B above at any time in the past five years?  Yes  No

(If yes, provide the person's name, construction firm name, and dates of participation.)

Name	Construction Firm	Dates of Participation

## **PART II - CONTRACTOR PRE-QUALIFICATION QUESTIONS**

### **C. ESSENTIAL CRITERIA QUESTIONS**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Circle Answer</b> |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----|
| 1. Does your firm possess a valid and current California Contractor's or other professional license as required by law for the project or projects for which it intends to submit a bid?                                                                                                                                                                                                                                                                       | Yes                  | No |
| 2. Is your firm registered with DIR as a Public Works Contractor for the current fiscal year?                                                                                                                                                                                                                                                                                                                                                                  | Yes                  | No |
| 3. Does your firm have a liability insurance policy with a policy limit of at least \$[1,000,000] per occurrence and \$[2,000,000] aggregate?                                                                                                                                                                                                                                                                                                                  | Yes                  | No |
| 4. Does your firm have current workers' compensation insurance policy as required by the Labor Code or is your firm legally self- insured pursuant to Labor Code section 3700 et. seq.?                                                                                                                                                                                                                                                                        | Yes                  | No |
| 5. Have you attached your firm's latest copy of reviewed or audited financial statements with accompanying notes and supplemental information? *                                                                                                                                                                                                                                                                                                               | Yes                  | No |
| <p><b>NOTE: Financial statements that are not either reviewed or audited are 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 statements.</b></p>                                                                                                                                                 |                      |    |
| 6. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that: (a) 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; and (b) your current available bonding capacity? **                                   | Yes                  | No |
| <p><b>NOTE: Notarized statement must be from the surety company, not an agent or broker.</b></p>                                                                                                                                                                                                                                                                                                                                                               |                      |    |
| 7. Has your contractor's or other professional license been revoked at any time in the last five years?                                                                                                                                                                                                                                                                                                                                                        | Yes                  | No |
| 8. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was in default and/or terminated by the project owner within the last five years?                                                                                                                                                                                                                                                                           | Yes                  | No |
| 9. Is your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B, ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1, Labor Code section 1777.7, or any other federal, state, county, municipal or other local law providing for the debarment of contractors from public works? | Yes                  | No |

10. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B been convicted of a crime involving the awarding of a contract of a government construction project, the bidding or performance of a government contract, antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty? Yes No
11. 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 date on which the petition was filed.)
12. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B ever been terminated from a public works contract, including but not limited to termination based on any misconduct, such as failure to comply with contractual, statutory, or other legal obligations from any public construction project? Yes No
13. Does your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B currently have any delinquent liability to an employee, the state, or any awarding body for any assessment of back wages or related damages, interest, fines or penalties pursuant to any final judgment, order, or determination by any court or any federal, state, or local administrative agency, including a confirmed arbitration award? Yes No

\* 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.

\*\* An additional notarized statement from the surety may be requested by the County of Humboldt at the time of submission of a bid, if this pre-qualification questionnaire is submitted more than 60 days prior to submission of the bid.

## **PART III - CONTRACTOR PRE-QUALIFICATION QUESTIONS**

### **D. PRE-QUALIFICATION CRITERIA QUESTIONS**

#### **PRIOR HISTORY**

Circle Answer

1. How many times has your firm, or any of its officers, supervisors, or managers, declared bankruptcy at any time during the last five years?  
(This question refers only to a bankruptcy action that was not described in your answer to Question 11 in Section C. If yes, attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed, a copy of the Bankruptcy Court's discharge order or any other document that concluded the case if no discharge order was issued.)

0 1 2 3 4 5+
2. How many times has your firm, or any of its officers, supervisors, or managers, had an injunction, judgment, order, or lien entered against it for outstanding taxes assessed or fines, penalties and/or unpaid employee wages at any time in the last five years?  
(Explain on a separate sheet. Provide details, including the name of the government agency, caption, date, case or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)

0 1 2 3 4 5+
3. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging violation of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?  
(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

0 1 2 3 4 5+
4. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging a violation by a subcontractor hired by your firm of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?  
(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

0 1 2 3 4 5+
5. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, paid any amount, fine or otherwise, regardless of characterization, to settle any of the allegations listed in Questions 3 and 4 above, whether with or without an admission of responsibility or liability?  
(Explain on a separate sheet. Provide details, including the caption, date, case or docket number, and name of the court or agency before which the case was brought.)

0 1 2 3 4 5+
6. How many times has your firm, or any of its officers, supervisors, or managers, been debarred, suspended, disqualified, denied a classification rating or pre-qualification or otherwise been declared not responsible to or prevented from bidding or performing work on any public works contract or subcontract in the last five years?

0 1 2 3 4 5+

(Explain on a separate sheet. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, name of the person within your firm who was associated with that company, date, owner of the project, project name and information, basis for the action, and case or docket number.)

7. How many times 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? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify all such projects by owner, owner's address, date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.)

8. How many times 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? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify the amount of each such claim, name and telephone number of the claimant, date of claim, grounds for claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of resolution and amount, if any, at which claim was resolved.)

9. How many times in the last five years has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm? **0 1 2 3 4 5+**

(Explain on a separate sheet. Name the insurance carrier, form of insurance, and year of refusal.)

10. How many times during the last five years, has your firm been denied bond coverage by a surety company, or has there been a period of time when your firm had no surety bond in place during a public works construction project when one was required? **0 1 2 3 4 5+**

(Explain on a separate sheet. Indicate the date when your firm was denied coverage, name of the company or companies which denied coverage, and the time period during which you had no surety bond in place.)

**CRIMINAL MATTERS AND CIVIL SUITS**

11. How many times has your firm, or any of its officers, supervisors, or managers, ever been convicted of a crime involving any federal, state, or local law related to construction? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify who was involved, name of the public agency, date of conviction, and grounds for conviction.)

12. How many times has your firm, or any of its officers, supervisors, or managers, ever been found liable in a civil suit or convicted of a federal or state crime of fraud, theft, or involving any other act of dishonesty, such as making any false claim or material misrepresentations? **0 1 2 3 4 5+**

(Explain on a separate sheet. Identify the person or persons convicted or found liable, court [the county if a state court, the district or location if federal court], year, and conduct involved.)

**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 involving amounts of less than \$50,000.**

13. How many times in the last five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration? **0 1 2 3 4 5+**

(Explain on a separate sheet. 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 [e.g. "pending" or, if resolved, a brief description of the resolution].)

14. How many times in the last 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? **0 1 2 3 4 5+**  
(Explain on a separate sheet. Identify 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 [e.g. "pending" or if resolved, a brief description of the resolution].)

**OCCUPATIONAL HEALTH AND SAFETY COMPLIANCE**

15. How many times in the last five years has CalOSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violation(s) or the federal Occupational Safety and Health Administration cited and assessed penalties against your firm for violation(s) of safety or health regulations? **0 1 2 3 4 5+**  
**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.**

16. How many times in the last five years 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? **0 1 2 3 4 5+**  
(Explain on a separate sheet describing each citation.)  
**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.**

17. How many times 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? **0 1 2 3 4 5+**  
(Explain the reason for each absence of workers' compensation insurance on a separate sheet. If "None," 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**

18. How many times during the last five years, has your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by **your firm**? **0 1 2 3 4 5+**  
(Explain on a separate sheet. Describe the nature of each violation and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)  
**NOTE: Question 18 refers only to the violation of prevailing wage laws by your firm, not to violations by a subcontractor.**

19. How many times during the last five years, has your firm or any subcontractors hired by your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by a **subcontractor**? **0 1 2 3 4 5+**  
(Explain on a separate sheet. Identify the subcontractor's business name and CSLB license number, describe the nature of each violation, and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)  
**NOTE: This question refers only to the violation of prevailing wage laws by subcontractors, not to violations by your firm.**

20. How many times during the last five years, has your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7? **0 1 2 3 4 5+**



(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)

21. How many times during the last five years, has any subcontractor hired by your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

0 1 2 3 4 5+

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)



**NOTE: Omissions, misrepresentations and any failure to disclose associations with other firms or any prior history of alleged violations may lead to loss of your eligibility to register as a Public Works Contractor, disqualification of bids, and/or grounds for termination of a contract.**



## **PART IV – CONTRACTOR PRE-QUALIFICATION QUESTIONS**

### **E. PROJECT REFERENCES**

Provide information about the firm's **five most recently completed public works projects and its three largest completed private projects within the last five years**. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

For General Contractors: Only list projects your firm performed as the general contractor.

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

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

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

Owner Contact

(name and current phone number): \_\_\_\_\_

Architect or Engineering Firm: \_\_\_\_\_

Architect or Engineer Contact

(name and current phone number): \_\_\_\_\_

Construction Manager

(name and current phone number): \_\_\_\_\_

Inspector of Record

(name and current phone number): \_\_\_\_\_

Description of Project, Scope of Work Performed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Date Construction Commenced: \_\_\_\_\_

Original Contractual Completion Deadline: \_\_\_\_\_

Adjusted Completion Deadline

Based on Time Extensions Granted by Owner: \_\_\_\_\_

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

General Contractor's Project Manager (lead contact in office), if applicable:

\_\_\_\_\_

General Contractor's Superintendent (lead contact on project site), if applicable:

\_\_\_\_\_

### **F. Scored Questions:**

**Circle one**

Provide answers to the below questions for each of the [8] submitted projects.

1. **INCLUDE 5-10 QUESTIONS ABOUT SUBMITTED PROJECTS THAT DEMONSTRATE SCOPE SIMILARITIES OR OTHER CONSTRAINTS SIMILAR TO THE PROJECT**

Yes / No

2. **i.e.: Was the total construction value of the project over \$15,000,000?**

Yes / No

**G. CERTIFICATION**

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

**Each person signing below makes the following representations under penalty of perjury:**

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the County of Humboldt to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

I, \_\_\_\_\_ (Name), the undersigned, am the \_\_\_\_\_ (Title), with the authority to act for and on behalf of \_\_\_\_\_ (Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Pre-qualification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this: \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ .  
(Date) (Month / Year) (City / State)

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

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

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

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

*(TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS AS SPECIFIED ABOVE)*

# APPENDICES

## **APPENDIX A: PROCEDURES FOR SUBMITTAL, SCORING & APPEALS**

The Notice to Bidders and Contractor Prequalification Packet with the application for prequalification as prepared by Public Works Department staff shall be approved and released by the Director of Public Works. The document shall be posted on the County's website and delivered electronically to (at a minimum) the list of trade journals and builders exchanges Humboldt County is required to notify of formally bid projects in the California Uniform Construction Cost Accounting Act.

### **A. SUBMITTAL PROCEDURE**

The due date for submittals shall be 5:00 p.m. on the date specified in the Request for Pre-qualification of Bidders released by the Board of Supervisors. One original and three copies of the application for prequalification shall be submitted to the address below. Digital copies and electronic submissions via email will not be accepted. The pre-qualification applications should be submitted under seal and marked "CONFIDENTIAL: PREQUALIFICATION SUBMITTAL PACKAGE FOR PROJECT # [XXXXXX]" to:

Humboldt County Department of Public Works  
Attn: Thomas K. Mattson, Director  
1106 Second Street  
Eureka, CA 95501

The Pre-qualification submittals will be date & time-stamped upon receipt by Public Works staff and delivered to the appropriate Division Personnel for logging receipt, review and scoring.

The pre-qualification applications (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 County of Humboldt and provide updated accurate information in writing, under penalty of perjury.

The County of Humboldt 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.

### **B. SCORING PROCEDURE**

Contractors who wish to be pre-qualified must submit a completed Application for Prequalification to the County for review. Contractors are required to provide any additional information and/or documentation as instructed on the application questionnaire. If significant information is not provided, the questionnaire will be deemed incomplete and rejected in its entirety.

A Contractor will be automatically pre-qualified if the responses submitted to all questions in Part II (Section C.), Part III (Section D.) and Part IV (Section E.) conform to department standards and do

not raise concerns. A Contractor that does not automatically pre-qualify by “passing” these Parts may be subject to additional scrutiny. If additional information is requested, the County will review and evaluate the required supporting documentation and use a previously adopted numerical scorecard to determine whether the Contractor is pre-qualified as described below.

## **PART I – SECTIONS A. & B. INFORMATION ABOUT THE CONTRACTOR**

This part is not scored but must be completed by contractors, and is included for informational purposes.

## **PART II - SECTION C. ESSENTIAL CRITERIA QUESTIONS AND SCORING**

Contractor is immediately disqualified if:

- Any answer to questions 1 through 6 is “NO”
- Any answer to questions 7 through 13 is “YES”

If the Contractor is not immediately disqualified based on its answers to the questions in Section C, the County may assume that the Contractor has passed this pre-qualification section. However, the County may require additional information be submitted to verify the accuracy of the responses provided on the Questionnaire.

## **PART III - SECTION D. PRE-QUALIFICATION CRITERIA QUESTIONS AND SCORING**

Contractors are required to answer questions 1 through 21 and must provide additional information to the County for any questions where the answer is not “0”. The County will then use this information to calculate a score for Section D in order to determine eligibility for pre-qualification. Questions and answers in this section are weighted differently.

All questions in which the Contractor’s response is not “0” are scored. If all of the Contractor’s responses to questions 1 through 21 are “0” the County may assume that the Contractor has passed this pre-qualification section. However, the County may require additional information from the Contractor to verify the accuracy of the responses provided.

If the answer to any of questions 1 through 21 is not “0”, additional scrutiny is required and the County will analyze the issues using the following two factors:

1. Whether the incident was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or Subcontractor.
2. Whether the Contractor or Subcontractor has a prior history or several incidents of the issue are reported.

AND

3. The critical nature of the issue and impact to the project.

The Contractor is required to provide additional documentation for all answers which are not “0”. The County will review the additional documents to calculate a final score between 1 and 5 using the above criteria for each question.

The first factor requires the County to assign a score based on the culpability of the Contractor. A score of 1 is assigned where the incident is clearly the result of a good-faith mistake and a score of 5 is assigned where the incident is clearly an overtly willful action for which the Contractor is

culpable. The second factor requires the County to assign a score based on the prior history of the issue being reported. A score of 1 is assigned where only a single incident exists, a score of 2 is assigned where two incidents exist, etc. up to a score of 5 assigned where five or more incidents of that kind exist.

Certain questions in Section D are weighted twice as much as others based on the severity of the actions and level of a Contractor's control over those actions. These questions are given additional weight because they involve significant concerns as to whether a Contractor should be pre-qualified. Also, scores were given additional weight based on a Contractor's level of control over those issues. For example, prevailing wage violations committed by a subcontractor receive less weight than a violation by the Contractor. These questions are scored as follows: If the first factor receives a score of 5 and the second factor receives a score of 4, the total score for a "Red Flag" question would be 18. The calculation can be seen as follows:  $((5+4) \times 2 = 18)$ . The following questions are assigned additional weight as explained above: 1 through 3, 5 through 6, 8, 10 through 12, 15 through 18, and 20.

The County may use the Scoring Worksheet in Appendix A, to calculate the Contractor's overall weighted score for Part III - Section D.

- A contractor pre-qualifies only if the overall score is 35 or less
- A Contractor is disqualified if the overall score is greater than 35.

#### **PART IV - SECTION E. PROJECT REFERENCES SCORING**

Part IV - Section E includes 2 parts:

1. The first section of Part IV -Section E is not scored, but allows the County to collect information about a Contractor's recent projects. The information is meant to assist the County to conduct interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the Contractor wishing to pre-qualify. This may also provide the County with the means to confirm answers provided in Parts II, III & I
  2. The second section of Part IV - Section F involves evaluating the submitted projects on objective criteria as having relevant similarities to the project for which the Contractor is submitting the prequalification packet for. For each project identified, the Contractor is to answer the questions regarding the project's scope, identifying whether the identified element was a part of the submitted project or not. These elements have been identified by the County's project team as being significant indicators of project similarities that will demonstrate the Contractor's familiarity with the project constraints and construction type.
- The Contractor is prequalified for this part if the total score of the **[8 projects is XX%]** of the total possible score.

#### **C. PRE-QUALIFICATION APPEAL PROCEDURE**

Contractors will be allowed to appeal a negative pre-qualification determination in accordance with California Public Contract Code §20101.d.

There is no appeal from a refusal for an incomplete or late application. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the County, whether by administrative process, judicial process or any other legal process or proceeding.

In conjunction with this Prequalification Procedure, the County hereby designates authority to the Director of Public Works to establish and appoint a Bidder Prequalification Appeals Panel (“Appeals Panel”), consisting of the following three Public Works staff members or other County employees. The sole issue before the Appeals Panel shall be the scoring of a Contractor. The decision of the Appeals Panel shall be the District’s final administrative decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

**Appeal Process:**

1. Prior to disqualifying a Contractor, the County shall serve written notice on the Contractor:
  - a. Setting forth the reasons for the disqualification.
  - b. Indicating that the Contractor will be afforded an opportunity to appeal the disqualification as outlined below.

Effective notice shall be accomplished by electronic mail, return receipt requested, to the email address of the Contractor listed in Section A “Contractor Information” of the Contractor’s submitted pre-qualification packet.

2. The Contractor shall submit their appeal in writing to the County no later than 5:00 p.m. on the fifth calendar day following the day on which the notice of pre-qualification determination was mailed to the Contractor. Written appeals will be accepted via electronic mail sent to [responsible staff email address] with the subject line “[Project Number] – Appeal of pre-qualification determination – (name of contractor)”.

3. The County shall act promptly upon properly filed requests and schedule an administrative hearing with the panel within ten (10) calendar days from the date of receipt of such request.

4. At the hearing, the Contractor will be given the opportunity to present information and present reasons in opposition to the rating. The County shall notify the Contractor of the decision of the Appeals Panel within two (2) business days following the hearing. The decision of the panel is final.



## APPENDIX B: PART III – SECTION D SCORING WORKSHEET

Question Number	Factor #1 - Points	Factor #2 - Points	Multiplying Factor	Total Points
1			x2	
2			x2	
3			x2	
4			x1	
5			x2	
6			x2	
7			1	
8			x2	
9			x1	
10			x2	
11			x2	
12			x2	
13			x1	
14			x1	
15			x2	
16			x2	
17			x2	
18			x2	
19			x1	
20			x2	
21			x1	
<b>Total</b>			=	

**Factor #1:** Whether the incident was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or Subcontractor.

**Factor #2:** Whether the Contractor or Subcontractor has a prior history or several incidents are reported.

**Question Type:**

- 14 Red Flag Questions (x2)
- 7 Non-Red Flag Questions (x1)

**Notes:** The awarding body will review additional documents provided by the Contractor in response to the questions in Section D to calculate a final score using the two factors listed above. A score on a scale of 1 to 5 is assigned to each factor.

**Factor #1:** A score of 1 is assigned where the incident is clearly the result of a good-faith mistake, and a score of 5 is assigned where the incident is clearly an overtly willful action for which the Contractor is culpable.

**Factor #2:** A score of 1 is assigned where only a single incident exists, and a score of 5 is assigned where five or more incidents of that kind are reported.

**A contractor is PRE-QUALIFIED if the total score above is: 35 points or LESS.**

**A contractor is DISQUALIFIED if the total score above is: GREATER THAN 35 points.**

## **APPENDIX C: MODEL INTERVIEW QUESTIONS**

### **MODEL INTERVIEW QUESTIONS**

The following questions are optional and may be used by the County of Humboldt to interview individuals identified as “project references” in Part IV - Section E of the questionnaire. These questions are not scored.

1. Give a brief description of the project.
2. 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?
3. Did the contractor provide adequate personnel?
4. Did the contractor provide adequate supervision?
5. Was there adequate equipment provided on the job?
6. Was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates?
7. Did the contractor adhere to the approved project schedule?
  - a. Did contractor make unauthorized changes to schedule?
  - b. Add unapproved activities?
  - c. Submitted timely?
  - d. Did contractor over-use “start-start” relationships?
8. Was the project completed on time?
9. Did the contractor timely submit reasonable cost and time estimates to perform change order work?
10. How well did the contractor perform work after a change order was issued, and how well did the contractor integrate the change order work into the existing work?
11. How well did the contractor perform in the area of turning in Operations and Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items?
12. Given the nature of the project, were there an unusually high number of claims or unusual difficulty in resolving them?
13. Did the contractor make timely payments to either subcontractors or suppliers?
  - a. Any stop payment notices?
  - b. Any other withholding requirements?
  - c. Release of retainage?
14. How would you rate the quality of the work overall?

## **APPENDIX D: INSURANCE REQUIREMENTS**

The County of Humboldt has standard and specific insurance requirements for the Project. Below is a draft of the insurance requirements which will be incorporated into the contract between the COUNTY and whichever contractor is awarded the contract.

***[INSERT APPLICABLE INSURANCE REQUIREMENTS HERE WHEN AVAILABLE]***

## **APPENDIX E: SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS**

**A CAUTIONARY NOTE:** *The information given to the County of Humboldt by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification, and may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract. The County expect that the information given should be and will be accepted at face value in most instances. The list of sources of information available to the public is provided for use where the County reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified in this manner.*

### **DIR - Public Works Contractor Registration Information**

Information on a contractor's DIR Public Works Contractor Registration can be found online. The following link may be used to verify a contractor's current registration:  
<https://efiling.dir.ca.gov/PWCR/Search>.

### **Contractor License(s) Information**

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors' State Licensing Board (CSLB), 9821 Business Park Drive, Sacramento, CA 95827. Telephone number 800-321-2752. The CSLB web site for public information is: [www.cslb.ca.gov](http://www.cslb.ca.gov).

### **Workers' Compensation Insurance Information**

Every workers' compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor's Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor's workers' compensation insurance carrier.

Some large companies are legally self-insured for workers' compensation, with the consent and authorization of the Department of Industrial Relations. The names of companies that are legally self-insured are available from the Department's Office of Self-Insurance Plans, Workers' Compensation, 11050 Olson Drive, Suite 230, Rancho Cordova, CA 95670; (916) 464-7000. The Office of Self-Insurance Plans web site for public information is: [www.dir.ca.gov/osip/](http://www.dir.ca.gov/osip/)

The names of each business's current and recent workers' compensation insurance carriers are available from the Workers' Compensation Insurance Reporting Bureau (WCIRB), 1221

Broadway, Suite 900, Oakland, CA 94612, telephone (888) 229-2472. WCIRB is not a public agency but it provides information to the public. It will provide the names of the current and recent workers' compensation insurance carriers of every employer in California, in response to a written request, for a fee of \$8 for every year for which you seek information. WCIRB's web site for public information is: [www.wcirb.com](http://www.wcirb.com).

### **Surety or Insurance Carrier Information**

The California Department of Insurance will verify whether a surety or an insurance carrier is "admitted" to issue insurance policies within the State. The Department has a "Hot- Line" number 800-927-4357, and a website from which the information is available: [www.insurance.ca.gov](http://www.insurance.ca.gov). The Department of Insurance headquarters is located on 300 Capitol Mall, Suite 1700, Sacramento, CA 95814.

### **Debarred and Disqualified Public Works Contractor Information**

Information on the identities of contractors that have been debarred and disqualified from working on public works contracts is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612. A list of debarred contractors can be found using the following link: <https://www.dir.ca.gov/dlse/debar.html>

### **Secretary of State Business Entity Information**

The California Secretary of State has certain current and historical information about all corporations that operate in California: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. (Secretary of State, Business Programs Division, 1500 11th Street, Sacramento, CA 95814. Telephone (916) 653-6814 or (916) 657-5448). Public information from the California Secretary of States is available at their website: [www.sos.ca.gov](http://www.sos.ca.gov). The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

### **County Clerks Business Entity Information**

Every business, including a partnership, that operates under a "fictitious name" (for example, "Ajax Sheet Metal Contractors" or "Smith Brothers Electrical Contractors") is required to file with the County Clerk in the county in which its home office is located a "Fictitious Business Name" statement. This statement will indicate the owner of the business, if the business is a sole proprietorship, and the names of partners, if the business is a partnership. The information is available to the public from the County Clerk Office upon request. Requests should be made to the County in which the business is operating. It may be necessary to submit such a request in writing.

### **Bankruptcy Information**

Bankruptcy petitions, which include the name of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In California, Bankruptcy Courts are located in Sacramento, Modesto, Fresno, San Francisco, Oakland, San Jose, Los Angeles, Santa Ana, Riverside, and San Diego. Most documents filed in court in bankruptcy proceedings are available for

public inspection, at the Bankruptcy Court clerk's office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records. In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

### **State Civil and Criminal Case Information**

Each court keeps records of every civil suit filed in that county, and of the judgments issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the California Public Records Act.

Criminal convictions are a matter of public record. Each website has an index of its own criminal case records at <http://www.courts.ca.gov/>. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

### **Federal Civil and Criminal Case Information**

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or register online at <http://pacer.psc.uscourts.gov/>.

### **Industrial Safety and Health Laws Compliance Information**

Information about citations issued by both the federal Occupational Safety and Health Administration and the California Division of Occupational Safety and Health (Cal OSHA) are available on a website maintained by federal OSHA, <http://www.osha.gov>. At that web site, click on "Data." On the Data page, click on "Statistics and Inspection Data." Next, click on "Establishment Search." When the next screen appears, enter the name of the contractor (entity) about whom you seek information in the "Establishment" window. Click on California in the "State" window. In the "Inspection Date" window, enter the date range in which you would like to request information. Then click the submit button.

### **Prevailing Wage Compliance Information**

Information about recent prevailing wage law violations is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612, telephone (844) 522-6734. Requests may also be sent by email to: [Publicworks@dir.ca.gov](mailto:Publicworks@dir.ca.gov). Additional public information can be found at their website: [www.dir.ca.gov/dlse](http://www.dir.ca.gov/dlse).

### **Air Quality or Water Quality Board Citation Information**

Information about citations issued by the California Air Resources Board is available from that agency under the Public Records Act. Their address is 1001 "I" Street Sacramento, CA 95814, or Post Office

Box 2815, Sacramento, 95812. In addition, Regional Air Quality Management Districts and Regional Water Quality Control Boards throughout the state may issue citations for violation of air quality or water quality standards. Consult the appropriate board in your area for information about how to gather appropriate information. For other information they can be reached at by phone at (800) 242-4450 or by email: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov). Additional public information can be found at their website: [ww2.arb.ca.gov](http://ww2.arb.ca.gov).

### **Apprenticeship Programs and Compliance Information**

Information about state-approved apprenticeship programs can be obtained from the Division of Apprenticeship Standards, 1515 Clay St, 3rd floor, Room 301, Oakland, CA 94612, telephone (415) 703-4920 or email: [DAS@dir.ca.gov](mailto:DAS@dir.ca.gov). A database of all state-approved apprenticeship programs can be obtained at the following link: <https://www.dir.ca.gov/databases/das/aigstart.asp>.

Information about violations of state apprenticeship laws is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612, telephone (844) 522-6734. Requests may also be sent by email to: [Publicworks@dir.ca.gov](mailto:Publicworks@dir.ca.gov). Additional public information can be found at their website: [www.dir.ca.gov/dlse](http://www.dir.ca.gov/dlse).

### **General Information**

Established regularly printed and publicly circulated news periodicals and trade journals and newsletters i.e. ENR, Moody's, BNI, etc.