

**REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING
WITH FORTHCOMING PUBLIC WORKS BID:
HALF MOON BAY LIBRARY PROJECT**

PROJECT DESCRIPTION

The City of Half Moon Bay (City) intends to contract for the construction of a new 22,000 square foot library, to be located at 620 Correas Street, generally the corner of Correas Street and Purissima Street, and associated site development, including an expansion of the adjacent Cunha Middle School parking lot. Our current schedule calls for bid documents to be issued on October 3, 2016, with bids due on November 3, 2016.



The new library will be a two story structure, with two separate wings connected by a glazed lobby. The two story wing houses the children’s spaces, staff workroom, and lobby on the ground floor, with adults and teens upstairs. The adjacent one story wing houses a large, divisible community room.

The building has a hybrid structure, with concrete at the lower level, steel and wood above, with an acoustical steel roof deck. Exterior finish materials include weathered wood siding, stone, and a small area of copper paneling.

Site improvements include a new parking lot on the library site, a series of paved patio areas including a large entry plaza, expansion of the parking lot at the adjacent middle school, and landscaping.

The project is designed to be Zero Net Energy, as well as a minimum of LEED silver certified. Most of the large roof on the 2 story wing will be covered in photovoltaic solar panels.

NOTICE

Notice is hereby given that the City has determined that all bidders on the Half Moon Bay Library Project (Project) to be undertaken by the City must be pre-qualified prior to submitting a bid. It is mandatory that all Contractors who intend to submit a bid fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the City in order to be on the final 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, 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 **12:00 noon, on July 26, 2016** Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied and/or of their pre-qualification status well in advance of the bid advertisement for this project.

A Pre-Submittal meeting will be held at **10:00 a.m. on Tuesday, July 12, 2016**, at the Ted Adcock Community Center, 535 Kelly Avenue, Half Moon Bay, CA, 94019 for all General Contractors intending to submit a completed pre-qualification package. This meeting is not mandatory, but attendance is encouraged, as it will include a visit to the project site.

Answers to questions contained in the attached questionnaire, information about current bonding capacity, a notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis for rating Contractors with respect to the size and scope of contracts upon which each Contractor is qualified to bid. The City reserves the right to check other available sources. The City's decision will be based on objective evaluation criteria.

The City reserves the right to adjust, increase, limit, suspend or rescind a pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficiently 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 City in determining bidder responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity, experience and demonstrated trustworthiness to satisfactorily perform the proposed work.

The pre-qualification package should be marked "CONFIDENTIAL" and "Pre-qualification Package for Half Moon Bay Library", and submitted in a sealed envelope, either by personal delivery to the reception desk on the first floor of the City Hall building, 501 Main Street, Half Moon Bay, CA 94019 or by U.S. mail, sent to the attention of the Director of Community Development at the same address.

Pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public record and are not subject 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 the purpose of verification or investigation of substantial allegations, or during an

appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public record subject to disclosure, and the first page of the questionnaire (page 4) 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 City and provide updated accurate information in writing, under penalty of perjury.

The City 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.

Contractors may submit pre-qualification packages during regular working hours on any day that the offices of the City are open. Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than twenty (20) business days after submission of the information.

The City may refuse to grant pre-qualification:

- When the requested information and materials are not supplied, or not submitted by **12:00 noon on July 26, 2016; and/or**
- If a Contractor either omits and/or falsifies requested information.

Failure of the Contractor to provide requested information in a complete and accurate manner shall be considered non-responsive, resulting in the rejection of the pre-qualification submission. The use of “N/A” or “n/a” in response to any request for information without an explanation as to why that abbreviation is being used shall be considered non-responsive and shall result in rejection of the pre-qualification submission.

There is no appeal from refusal of 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.

PRE-QUALIFICATION QUESTIONNAIRE

CONTACT INFORMATION

| | | |
|---|--|-----------------------|
| FIRM NAME : (As the name appears on the license) | | |
| Check One : <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Joint Venture | | |
| Contact Person: | Phone Number: () Fax Number: () | Email Address: |
| Address: | | |

For Sole Proprietors or Partnerships:

| |
|--|
| Owner(s) of Company: |
| Contractor's License Number(s): |

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if:

- a. **The answer to any of questions 1 through 6 is “No.”¹**
- b. **The answer to any of questions 7 through 17 is “Yes.”**

If the answer to question 14 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 Class “B” California Contractor’s license that has been active for at least five (5) years for the project or projects for which it intends to submit a bid.

Yes No

2. Contractor has:

General Liability insurance (including premises, operations and mobile equipment, products and completed operations, broad form property damage including completed operations, explosion, collapse and underground hazards, contractual liability, personal injury, independent contractors’ liability) with a minimum limit of \$5,000,000.00 for each occurrence (combined single limit for bodily injury and property damage). If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project or the general aggregate limit shall be twice the required occurrence limit.

Yes No

Commercial automobile insurance with a limit of at least \$1,000,000 per occurrence

Yes No

California Workers’ Compensation Insurance with a limit of at least \$1,000,000 per occurrence

Yes No

Contractor’s Pollution Liability insurance with minimum coverage of at least \$5,000,000 for each loss and \$10,000,000 in aggregate

Yes No

NOTE: Confirm insurers are authorized to do business in the State by the Department of Insurance and meet the following qualifications:

A.M. Best’s Key Rating of Grade A and Class VII (seven) (if an Admitted Insurer) and Grade A- or better and Class X (10) or better (if offered by a Surplus Line Broker)

Yes No

¹ A “No” answer to Question 3 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 2.

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

(If applicable) Worker's compensation insurance is rated Grade B- or better and Class VII (seven) or better, or offered by the State Compensation Fund.
 Yes No

4. Contractor has attached its latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.²
 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.

5. Contractor has 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, and with an AM Best's Guide rating of at least A- or better and Class VIII (eight) or similar rating, except as otherwise approved by the City's Risk Manager, which confirms that contractor has a single limit bonding capacity of at least **\$20,000,000 and aggregate bonding limit of at least \$80,000,000.**³
 Yes No

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

6. Contractor has provided information about its six (6) most comparable projects all of which it has successfully completed within the last ten (10) years.
- a. At least three (3) of the projects submitted must have been Public Works projects located in the State of California, preferably Libraries or other community use buildings. The balance may be public or private, and may be located in another state.
 - b. All projects submitted must be comparable in scope and quality to the Project, and have a contract value of at least \$10,000,000.
 - c. Comparable projects will have included, at a minimum, complete shell, core, complete interior build-out, and complete site development.
 - d. Comparable projects must also be of similar construction type and materials.

² Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

³ An additional notarized statement from the surety may be requested by the City at the time of submission of a bid, if this pre-qualification package is submitted more than sixty (60) days prior to submission of the bid.
Pre-Qualification Form – May 17, 2016

- e. Comparable projects must have achieved Substantial Completion as of the date of the submittal of this application.
- f. At least one of the projects submitted must have been Leadership in Energy and Environmental Design (LEED) certified by the United States Green Building Council.

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:

Beginning

Ending

9. At any time during the last ten (10) 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

10. At the time of submission of this pre-qualification package, is your firm, or any subsidiary, parent, holding company or affiliate, or any of their respective owners, partners, or officers a plaintiff in an active lawsuit against the City or any of its agencies?

Yes No

11. Has your contractor’s license been revoked at any time in the last ten (10) years or that of any Responsible Managing Officer (RMO), Responsible Managing Employee (RME), Principal or Corporate Officer associated with your license?

Yes No

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

Yes No

13. Was your firm in bankruptcy at any time during the last five (5) years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)
 Yes No
14. In the last five (5) 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?
 Yes No

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 PART II, A on page 9.

15. 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
16. 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
17. 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
18. The City is considering implementing a Project Labor Agreement (PLA) for the Library project. Are you qualified and/or willing to work within the terms of such an agreement.
 Yes No

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

| Form of Organization | Corporation | Partnership | Sole Proprietorship | Joint Venture |
|---|--------------------|--------------------|----------------------------|----------------------|
| Date Incorporated, Formed or Commenced Operation | | | | |
| Under the laws of what state? | | | | |

Provide the following information for each person who is either: (a) an officer of the corporation or partnership (president, vice president, secretary, treasurer); (b) the owner of at least ten per cent (10%) of the corporation/partnership's stock; or (c) the sole proprietor.

| Name | Position | Years with Company | Percent Ownership | Social Security # |
|------|----------|--------------------|-------------------|-------------------|
| | | | | |
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Identify every construction company that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five (5) years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent (10%) or more of the business, or ten per cent (10%) or more of its stock, if the business is a corporation.

| Person's Name | Construction Company | Dates of Person's Participation with Firm |
|---------------|----------------------|---|
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For Firms That Intend to Bid as Part of a Joint Venture:

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 | Percent Ownership of Joint Venture |
|--------------|------------------------------------|
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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 (3) years?

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

Yes No

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

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

NOTE: Include information about other firms if one firm owns fifty (50) per cent (50%) or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

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

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

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

4. State your firm's gross revenues for each of the last three (3) 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

C. Licenses

1. List all California contractor license numbers held by your firm including classifications and expiration dates

| License Number | Classification | Date of Expiration |
|----------------|----------------|--------------------|
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2. If any of your firm's license(s) are held in the name of a corporation or partnership, provide the names of the qualifying individual(s) listed on the California State Licensing Board records who meet(s) the experience and examination requirements for each license:

3. Has your firm changed names or license number in the past five (5) years?

Yes No

If "Yes," explain on a separate signed page, including the reason for the change.

4. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five (5) years?

Yes No

If "Yes," explain on a separate signed page, including the reason for the change.

5. Has any California State Licensing Board license held by your firm or its RME or RMO been suspended within the last five (5) years?

Yes No

If "Yes," please explain on a separate signed sheet.

D. Disputes

1. At any time in the last five (5) years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

Yes No

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

2. In the last five (5) years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

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

* * * * *

NOTE: The following two (2) questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

3. In the past five (5) 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,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

4. In the past five (5) 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,” on separate signed sheets of paper 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 (pending, or if resolved, a brief description of the resolution).

5. At any time during the past five (5) years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?
 Yes No

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

6. In the last five (5) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

If “Yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance, and the year of the refusal.

E. Bonding

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

Name of bonding company/surety: _____

Name of surety agent

Address

(_____) _____
Telephone number

2. If your firm was required to pay a premium of more than one per cent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three (3) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent (1%), if you wish to do so.

3. List all other sureties (name and full address) that have written bonds for your firm during the last five (5) years, including the dates during which each wrote the bonds:

| Surety Name | Full Address | Dates |
|--------------------|---------------------|--------------|
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4. During the last five (5) 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”, provide details on a separate signed sheet indicating the date when your firm was denied coverage, the name of the company or companies which denied coverage, and the period during which you had no surety bond in place.

F. Compliance with Occupational Safety and Health Laws and with Other Labor Safety Legislation

1. Has the California Occupational and Safety Health Administration (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 (5) years?

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

Yes No

If “Yes,” 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, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

2. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five (5) years?

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

Yes No

If “Yes,” attach a separate signed page describing each citation.

3. Has the Environmental Protection Agency 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 (5) years?

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

Yes No

If "Yes," attach a separate signed page describing each citation.

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

5. List your firm's Workers' Compensation Insurance Experience Modification Rate (EMR) for each of the past three (3) premium years:

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three (3) years is or was 1.00 or higher, you may, if you wish, attach a letter of explanation.

6. Within the last five (5) 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," please explain the reason for the absence of Workers' Compensation Insurance on a separate signed page.

If "No," please provide a statement by your current Workers' Compensation Insurance carrier that verifies periods of Workers' Compensation Insurance coverage for the last five (5) years.

If your firm has been in the construction business for less than five (5) 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.

G. Prevailing Wage and Apprenticeship Compliance Record

1. Has there been more than one (1) occasion during the last five (5) 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 or pages, 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.

2. During the last five (5) 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 or pages 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, the amount of back wages you were required to pay along with the amount of any penalty paid.

3. Provide the **name, address, and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from which you intend to request the dispatch of apprentices to your company for use on any public works project for which you are awarded a contract by the City.

4. 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. 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).

| Apprenticeship training craft(s) | Year program approved |
|----------------------------------|-----------------------|
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- b. State the number of individuals who were employed by your firm as apprentices at any time during the past three (3) years in each apprenticeship and the number of persons who, during the past three (3) years, completed apprenticeships in each craft while employed by your firm.

| Apprenticeship training craft | Number of individuals employed | Number of completed apprenticeships |
|-------------------------------|--------------------------------|-------------------------------------|
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5. At any time during the last eight (8) 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 CONSTRUCTION PROJECTS COMPLETED

1. Contractor shall provide information about its six (6) most comparable projects that it has successfully completed within the last eight (8) years.
- a. At least three (3) of the projects submitted must have been Public Works projects located in the State of California. The balance may be public or private, and may be located in another state.
 - b. All projects submitted must be comparable in scope and quality to the Project, and have a contract value of at least \$10,000,000.
 - c. Comparable projects will have included, at a minimum, complete shell, core, complete interior build-out, and complete site development.
 - d. Comparable projects must also be of similar construction type and materials.

- e. Comparable projects must have achieved Substantial Completion as of the date of the submittal of this application.
- f. At least one of the projects submitted must have been Leadership in Energy and Environmental Design (LEED) certified by the United States Green Building Council.

Names and references must be current and verifiable. Applicant may be found disqualified if references are non-responsive. *You may copy the following page in order to provide a separate sheet of paper for each project.*

| | | |
|---|--|--|
| PROJECT NAME: | | |
| Project Location: | | |
| Owner Name: | Phone number: () | Email address |
| Architect or Engineer Name: | Phone number: () | Email address |
| Construction Manager Name | Phone number: () | Email address |
| Description of Project/Scope of Work Performed: | | |
| Total Value of Original Construction Contract: \$ | | 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 pre-qualification questionnaire and know their contents. The answers provided are true to 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.

Signature

Date

A LIST OF QUESTIONS TO BE SCORED AND SCORING INSTRUCTIONS

A LIST OF QUESTIONS TO BE SCORED AND SCORING INSTRUCTIONS

The questions to be scored are listed in three (3) different sections:

- (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 the public agency of project managers on projects completed recently by the Contractor) are included in Group III. In a prequalification procedure for a single project, this last category would also include a scoring of the number of recently completed projects that are similar to the project on which prequalification is at issue.

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

Scores Needed for Prequalification

To prequalify, a Contractor would be required to have a passing grade within each of the three (3) large categories referred to above.

For Section I, History of the Business and Organizational Performance, a passing score for this section is **38** (out of a maximum score of 50 points on this portion of the questionnaire).

For Section II, Compliance with Occupational Safety and Health Laws, Workers' Compensation and Other Labor Legislation, a passing score of **38** (out 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, and may also include questions about recently completed public or private construction projects. For the interview questions, interviews will be conducted with a minimum of two owners of completed projects, with a maximum score of 100 points for each interview. A passing score for the interviews is **80** points or more averaged from the total points of interview conducted. A denial of prequalification will result for a Contractor whose score on any one interview is less than 55 points. An additional interview will be conducted with another reference if the score resulting from one interview is between 55 points and 72 points.

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

(16 questions)

B. History of the Business and Organizational Performance

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

| Number of years | Possible Points | Points Awarded |
|---------------------|-----------------|----------------|
| Three years or more | 2 points | |
| Four years | 3 points | |
| Five years | 4 points | |
| Six years or more | 5 points | |
| | Sub-total | |

C. Licenses

5. Has any California State Licensing Board license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five (5) years?

| Response | Possible Points | Points Awarded |
|----------|-----------------|----------------|
| Yes | 0 points | |
| No | 5 points | |
| | Sub-total | |

D. Disputes

1. At any time in the last five (5) 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?

| Number of projects | Possible Points | Points Awarded |
|---|-----------------|----------------|
| Any other answer | 0 points | |
| Two projects with liquidated damages of more than \$50,000 | 3 points | |
| Zero projects with liquidated damages of more than \$50,000 or one projects with liquidated damages | 5 points | |
| | Sub-total | |

2. In the last five (5) 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?

| Response | Possible Points | Points Awarded |
|----------|-----------------|----------------|
| Yes | 0 points | |
| No | 5 points | |
| | Sub-total | |

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.

3. In the past five (5) years, has any claim **against** your firm concerning your firm’s work on a construction project, been **filed in court or arbitration?**

(Refer to Question B.4.)

If the firm’s average gross revenue for the last three (3) years was less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If your firm’s average gross revenue for the last three (3) years was more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than five such instances | 0 points | |
| Yes, indicating four or five such instances | 3 points | |
| No or Yes, indicating one, two or three such instances | 5 points | |
| | Sub-total | |

4. In the past five (5) 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?**

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were less than \$50 million scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than five such instances | 0 points | |
| Yes, indicating four or five such instances | 3 points | |
| No or Yes, indicating one, two or three such instances | 5 points | |
| | Sub-total | |

5. At any time during the past five (5) 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?

| Response | Possible Points | Points Awarded |
|---|--------------------------|-----------------------|
| Yes, indicating more than two such claims | <u>Subtract</u> 5 points | |
| Yes, indicating two such claims | 3 points | |
| No or Yes, indicating one such claim | 5 points | |
| | Sub-total | |

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

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

E. Bonding

2. If your firm was required to pay a premium of more than one per cent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three (3) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| For any other answer | 0 points | |
| If the rate was no higher than one point one percent (1.10%) | 3 points | |
| If the rate is no more than one per cent (1%) | 5 points | |
| | Sub-total | |

4. During the last five years (5), 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?

| Response | Possible Points | Points Awarded |
|-----------------|------------------------|-----------------------|
| Yes | 0 points | |
| No | 5 points | |
| | Sub-total | |

F. Compliance with Occupational Safety and Health Laws and with Other Labor Safety Legislation
(11 questions)

- 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 (5) years?

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

(Refer to Question B.4.)

If the firm’s average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If the firm’s average gross revenues for the last three years (3) were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than five such instances | 0 points | |
| Yes, indicating four or five such instances | 3 points | |
| No or Yes, indicating one, two or three such instances | 5 points | |
| | Sub-total | |

- Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five (5) years?

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

If “Yes”, attach a separate signed page describing each citation.

(Refer to Question B.4.)

If the firm's average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If the firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than five such instances | 0 points | |
| Yes, indicating four or five such instances | 3 points | |
| No or Yes, indicating one, two or three such instances | 5 points | |
| | Sub-total | |

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

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

(Refer to Question B.4.)

If the firm's average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than two such instances | 0 points | |
| Yes, indicating two such instances | 3 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If the firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| Yes, indicating more than five such instances | 0 points | |
| Yes, indicating four or five such instances | 3 points | |
| No or Yes, indicating one, two or three such instances | 5 points | |
| | Sub-total | |

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

| Response | Possible Points | Points Awarded |
|-----------------------------|-----------------|----------------|
| For any other answer | 0 points | |
| Once per week or more often | 3 points | |
| | Sub-total | |

5. List your firm's Experience Modification Rate (EMR) (California Workers' Compensation Insurance) for each of the past three (3) 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: _____

| Response | Possible Points | Points Awarded |
|---|-----------------|----------------|
| For any other EMR | 0 points | |
| Three year average EMR of more than .95 but no more than 1.00 | 3 points | |
| Three year average EMR of .95 or less | 5 points | |
| | Sub-total | |

6. Within the last five (5) years, has there ever been a period when your firm had employees but was without Workers' Compensation Insurance or state-approved self-insurance?

| Response | Possible Points | Points Awarded |
|---|-----------------|----------------|
| For any other answer | 0 points | |
| No or Yes, indicating one such instance | 5 points | |
| | Sub-total | |

G. Prevailing Wage and Apprenticeship Compliance Record

1. Has there been more than one occasion during the last five (5) 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?

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.

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|---|-----------------|----------------|
| Yes, indicating more than three such instances | 0 points | |
| Yes, indicating three such instances | 3 points | |
| No or Yes, indicating one or two such instances | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If the firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than six such instances | 0 points | |
| Yes, indicating five or six such instances | 3 points | |
| No or Yes, indicating no more than four such instances | 5 points | |
| | Sub-total | |

2. During the last five (5) 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?

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|---|------------------------|-----------------------|
| Yes, indicating more than three such instances | 0 points | |
| Yes, indicating three such instances | 3 points | |
| No or Yes, indicating one or two such instances | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than six such instances | 0 points | |
| Yes, indicating five or six such instances | 3 points | |
| No or Yes, indicating no more than four such instances | 5 points | |
| | Sub-total | |

3. 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 City.

| Response | Possible Points | Points Awarded |
|--|-----------------|----------------|
| For any other answer | 0 points | |
| At least one approved apprenticeship program | 5 points | |
| | Sub-total | |

4. 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 (3) years in each apprenticeship and the number of persons who, during the past three (3) years, completed apprenticeships in each craft while employed by your firm.

| Response | Possible Points | Points Awarded |
|---|-----------------|----------------|
| If no person completed an approved apprenticeship program while employed by the company | 0 points | |
| If one or more persons completed an approved apprenticeship program while employed by the company | 5 points | |
| | Sub-total | |

5. At any time during the last eight (8) 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.

If “Yes”, provide the date(s) of such findings, and attach copies of the Department’s final decision(s).

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were less than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|---|------------------------|-----------------------|
| Yes, indicating more than three such instances | 0 points | |
| Yes, indicating three such instances | 3 points | |
| No or Yes, indicating one or two such instances | 5 points | |
| | Sub-total | |

(Refer to Question B.4.)

If your firm's average gross revenues for the last three (3) years were more than \$50 million, scoring is as follows:

| Response | Possible Points | Points Awarded |
|--|------------------------|-----------------------|
| Yes, indicating more than six such instances | 0 points | |
| Yes, indicating five or six such instances | 3 points | |
| No or Yes, indicating no more than four such instances | 5 points | |
| | Sub-total | |

Summary of Points Awarded

| Section/Question | Points Awarded |
|--|----------------|
| B. History of the Business and Organizational Performance | |
| 5. How many years has your organization been in business in California as a Contractor under your present business name and license number? | |
| | |
| C. Licenses | |
| 5. Has any California State Licensing Board license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five (5) years? | |
| | |
| D. Disputes | |
| 1. At any time in the last five (5) 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? | |
| 2. In the last five (5) 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? | |
| 3. In the past five (5) years, has any claim against your firm concerning your firm's work on a construction project, been <u>filed in court or arbitration?</u> | |
| 4. In the past five (5) years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and <u>filed that claim in court or arbitration?</u> | |
| 5. At any time during the past five (5) 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? | |
| 6. In the last five (5) years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? | |
| | |
| E. Bonding | |
| 2. If your firm was required to pay a premium of more than one per cent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three (3) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so. | |
| 4. During the last five years (5), 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? | |

| Section/Question | Points Awarded |
|---|----------------|
| F. Compliance with Occupational Safety and Health Laws and with Other Labor Safety Legislation | |
| 1. 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 (5) years? | |
| 2. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five (5) years? | |
| 3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five (5) years? | |
| 4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project? | |
| 5. List your firm’s Experience Modification Rate (EMR) (California Workers’ Compensation Insurance) for each of the past three (3) premium years: | |
| 6. Within the last five (5) years, has there ever been a period when your firm had employees but was without Workers’ Compensation Insurance or state-approved self-insurance? | |
| | |
| G. Prevailing Wage and Apprenticeship Compliance Record | |
| 1. Has there been more than one occasion during the last five (5) 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? | |
| 2. During the last five (5) 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? | |
| 3. 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 City. | |
| 4. If your firm operates its own State-approved apprenticeship program. . . | |
| 5. At any time during the last eight (8) 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? | |
| TOTAL POINTS | |

Section III - Questions concerning recent construction projects completed

(One question, plus 11 interview questions)

The following question to be scored only where a public agency is undertaking a prequalification procedure valid for a single project only.

1. Contractor shall provide information about its six (6) most comparable projects that it has successfully completed within the last eight (8) years.
 - g. At least three (3) of the projects submitted must have been Public Works projects located in the State of California. The balance may be public or private, and may be located in another state.
 - h. All projects submitted must be comparable in scope and quality to the Project, and have a contract value of at least \$10,000,000.
 - i. Comparable projects will have included, at a minimum, complete shell, core, complete interior build-out, and complete site development.
 - j. Comparable projects must also be of similar construction type and materials.
 - k. Comparable projects must have achieved Substantial Completion as of the date of the submittal of this application.
 - l. At least one of the projects submitted must have been Leadership in Energy and Environmental Design (LEED) certified by the United States Green Building Council.

Names and references must be current and verifiable. Applicant may be found disqualified if references are non-responsive. *You may copy the following page in order to provide a separate sheet of paper for each project.*

| | | |
|---|--|--|
| PROJECT NAME: | | |
| Project Location: | | |
| Owner Name: | Phone number: () | Email address |
| Architect or Engineer Name: | Phone number: () | Email address |
| Construction Manager Name | Phone number: () | Email address |
| Description of Project/Scope of Work Performed: | | |
| Total Value of Original Construction Contract: \$ | | Total Value of Change Orders: \$ |
| Original Scheduled Completion Date: | Time Extensions Granted (Number of Days): | Actual Date of Completion: |

MODEL INTERVIEW QUESTIONS

MODEL INTERVIEW QUESTIONS

The following questions will be used to interview randomly selected contacts from at least three (3) or more completed projects. City or its Construction Manager will conduct the interviews. No action on the contractor's part is necessary. These questions are included on the package given to the contractor for information only.

The highest possible score is 100 Points. An average score less than 80 points disqualifies a contractor from bidding on the Project.

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; maximum amount to be deducted is 5 points.)
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel, supervision, and equipment to successfully prosecute the work? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork, scheduling updates, and closeout documents? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
5. Was the project 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 completion?
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 integrated 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 whether there were an unusually high number of change orders and/or claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
9. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")

10. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)
11. Given the opportunity, would you choose to hire this contractor again? (If “Yes”, 10 points, if no, 0 points.)

APPEALS PROCEDURE

The Community Development Director or his or her designee shall implement an administrative hearing process, as required by law, to be made available to prospective bidders seeking to challenge their pre-qualification scores. For each pre-qualification review hearing, the presiding hearing officer shall be chosen at random from the following staff positions:

1. City Engineer, or
2. Deputy City Manager, or
3. Finance Director, or
4. Administrative Services Manager

The assignment of one of these staff persons to a pre-qualification review hearing shall be made randomly and shall in no way be dependent or conditional upon the person's history as an acting hearing officer of the outcomes of prior hearings. Under no circumstances shall the prospects of future employment or the compensation of a hearing officer be based in any way upon the outcome of his or her hearing decisions.

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 City of Half Moon Bay Community Development Department, Attn: City Engineer of its appeal of the decision with respect to its pre-qualification rating, no later than five (5) business days from the receipt of pre-qualification rating from the City of Irvine. Without a timely notice of appeal, the Contractor waives any and all rights to challenge the decision of the City of Half Moon Bay, 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 so that it is concluded no later than fifteen (15) business days after the City of Half Moon Bay's receipt of the notice of appeal. At or prior to the hearing, the Contractor will be advised of the basis for the City of Half Moon Bay's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one (1) day after the conclusion of the hearing, the hearing officer will render its decision. It is the intention of the City of Half Moon Bay that the date for the beginning of the formal bidding process will not be delayed or postponed to allow for completion of an appeal hearing process.