

**NOTICE TO CONTRACTORS
CALLING FOR PREQUALIFICATION DOCUMENTS
No.100-11**

NOTICE IS HEREBY GIVEN that Southwestern Community College District of San Diego County, California, acting by and through its Governing Board, hereinafter referred to as the "DISTRICT" will receive up to, but no later than, **two thirty p.m. (2:30 p.m.) of the 3rd day of November, 2011**, the required prequalification documents for the "**Southwestern College Central Plant Mechanical Systems and Energy Loop Project**".

The prequalification submittals apply only for the specific project noted above. They shall be received in the office of the Program Manager, Seville Construction Services, Inc. at Southwestern College, Room 1688, located at 900 Otay Lakes Road, Chula Vista, CA 91910.

Each firm must conform and be responsive to the prequalification documents, copies of which are available now and may be obtained at www.buildswc.com.

Forward any questions to the Program Manager: Seville Construction Services, Robert DePew, Sr. Project Manager/Sr. Superintendent, rdepew@sevillecs.com, (619) 482-6825.

Dated this: October 13th, of 2011

Interim Secretary to the Governing Board
Denise Whittaker

Southwestern Community College District
of San Diego County, California

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La Presna: Friday, October 21, 2011
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SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

Pre-Qualification Policy and Documents Adopted:

October 12, 2011

**CENTRAL PLANT MECHANICAL SYSTEMS
AND
ENERGY LOOP PROJECT**

I. INTRODUCTION

1. Pursuant to Public Contract Code section 20651.5, contractors bidding (hereinafter "Contractor" or "Contractors") on the **Central Plant Mechanical Systems and Energy Loop Project** shall be subject to this Pre-Qualification Policy and shall be required to furnish sufficient proof of public works experience and financial ability in performing public works by completing and submitting standard pre-qualification documents and providing specified supporting documentation, which submission is verified under oath by the Contractor in the manner in which pleadings in civil actions are verified.
2. **Southwestern Community College District** ("District") has determined that it will require this process on the **Central Plant Mechanical Systems and Energy Loop Project** in the following circumstances.

*For contracts where the contract sum is estimated to exceed **\$1,000,000**. See list of required trades included as **Attachment "A-1"**.*

3. Contractors seeking pre-qualification are required to submit to the District completed pre-qualification documents ("Pre-Qualification Documents") and any and all documents required therein. (The Pre-Qualification Documents and additional requirements are set forth in **Attachment "A"**.) The Pre-Qualification Documents will be the basis for determining which Contractors are qualified to bid on the Southwestern Community College **Central Plant Mechanical Systems and Energy Loop Project**. Pursuant to Public Contract Code section 20651.5, the questionnaire responses of prospective bidders and their financial statements are not public records and are not open to public inspection.
4. A Contractor is either pre-qualified in accordance with the limits mentioned above or not based on the District's uniform rating system described herein. No rating other than a positive or negative pre-qualification determination shall be established by this process.
5. A positive pre-qualification determination shall be good for **one (1) year** from the date of the District's notice for pre-qualification pursuant to Public Contract Code section 20111.5(e) for the **Central Plant Mechanical Systems and Energy Loop Project**.

II. Pre-Qualification Standards and Notification

1. In addition to fulfilling all of essential pre-qualification requirements and providing all of the required supplemental documents (Pre-Qualification Documents and related documents), Contractors must achieve a score of **75** points or higher, out of a total possible **100** points, on those questions in the Qualification Documents

for which point values are assigned in order to be pre-qualified to bid on the **Central Plant Mechanical Systems and Energy Loop Project.**

2. All supplemental documents are to be submitted on 8 ½ by 11 sheets and must be organized and identified in accordance with the requirements of the Pre-Qualification Documents.
3. The District requests that completed Pre-Qualification Documents and supporting materials be submitted not later than **2:30pm on November 3, 2011.** *Contractor shall be responsible for clearly filling out all the requested information in the documents here-in, including self-rating on the Pre-Qualification Questionnaire. In the sections of the questionnaire that require project listings, the contractor shall clearly indicate which projects are included in the point calculations. Incomplete or unclear information may be grounds for disqualification.* The District shall inform Contractors, in writing, of the pre-qualification determination within five (5) business days following submission of completed pre-qualification Documents and supporting materials. If a Contractor decides to appeal a negative pre-qualification determination pursuant to the appeal procedures described below, any such appeal must be filed within five (5) days of the date of the notice of negative determination.

Completed pre-qualification packages should be marked "Confidential" and mailed or delivered to:

*Southwestern Community College
Attn: John R. Brown, P.E.,
Director of Facilities, Operations, and Planning
900 Otay Lakes Road, Building 1688
Chula Vista, CA 91910*

4. The Contractor's submittal must be signed under penalty of perjury by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. In addition to disqualification for failure to meet the District's criteria, Contractor may be automatically disqualified for a failure to provide the requested information or falsification of information required by this Prequalification Standards Document.

III. Appeal Procedures

1. In conjunction with this pre-qualification policy, the District also hereby establishes the Bidder Pre-Qualification Appeals Panel ("Appeal Panel") consisting of a minimum of two of the following, or their designee(s): the District's Vice President for Business and Financial Affairs, Director of Purchasing, and/or a District Administrator to be appointed by the Vice President of Academic Affairs. 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 and any judicial review thereof shall be instituted no later than the time period referred to in section 1094.6 of the Code of Civil Procedure.

- (a)** Where a complete and timely submitted application results in a rating below the necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering notice to the District of its appeal of the decision with respect to its pre-qualification rating, no later than five (5) business days after the date of the District's notice of the negative pre-qualification determination. Notice will be provided in writing delivered through U.S. Postal Service mail at the address noted above. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the District, whether by administrative process, judicial process or any other legal process or proceeding.
- (b)** 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 five (5) business days after the District'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 the Appeals Panel to whom the District's governing board has delegated responsibility to hear such appeals. At or prior to the hearing, the Contractor will be advised of the basis for the District's prequalification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of the District 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 receive a negative pre-qualification determination for the Project if the Contractor fails to meet the District's minimum requirements. In addition, a Contractor may be found not pre-qualified for either: (1) Omission of requested information; or (2) Falsification of information.

ATTACHMENT "A"

Pre-Qualification Requirements

The following criteria and requirements must be met in the form indicated in order for a Contractor to be determined "pre-qualified" by the Southwestern Community College District. Failure to provide the requested information or purposely withholding pertinent information shall disqualify the Contractor. Any false or knowingly inaccurate information or responses provided shall serve to disqualify the Contractor.

I. Necessary and Essential Pre-Qualification Requirements

Contractors must meet the following criteria and requirements, as well as submit appropriate evidence thereof, in order for a Contractor to be determined pre-qualified by the Southwestern Community College District for the **Central Plant Mechanical Systems and Energy Loop Project**.

1. Contractor must be properly licensed in accordance with the California State law and the license must be in good standing at the time of submittal of the Pre-Qualification Documents. The contractor shall meet one of the following license requirements: Option 1 = Class A; Option 2 = Class C-20 and Class C-36.
2. Contractor must submit evidence of general liability, auto, and worker's compensation insurance as specified in the Pre-Qualification Documents.
3. Contractor must have a Worker's Compensation Experience Modification Rate of 1.25 or less.
4. Contractor must submit the requested surety information and a letter of support as specified in the Pre-Qualification Documents.
5. Contractor must submit the required financial data and the associated statements as specified in the Pre-Qualification Documents.
6. Contractor's license must not have been revoked at any time in the last five (5) years.
7. Contractor must not have been terminated for cause or defaulted on a project during the last five (5) years.
8. At the time of submittal of the Pre-Qualification Documents, Contractor must not be 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 1771.1 or Labor Code section 1777.7.

9. Contractor, or any of its owners, officers, or partners, cannot have been found liable in a civil suit, or convicted/found guilty in a criminal action including but not limited to (a) involving the awarding of a contract of government construction project, (b) involving the bidding or performance of a government contract, (c) involving the fraud, theft, or any other act of dishonesty, including but not limited to the California False Claims Act, or Federal False Claims Act.
10. Contractor must not have been cited and assessed by CAL OSHA penalties for any "serious," "willful," or "repeat violations of its safety or health regulations in the past five (5) years.

** A Contractor disqualified solely because it does not meet the requirement of items 6, 7 8, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeals process.*

II. Required Supplemental Pre-Qualification Documents

1. Surety Information

The Contractor must include a notarized Letter of Bondability from its surety indicating Contractor's available bonding capacity on a per project and an aggregate basis. The surety is required to be an admitted surety in the State of California as defined in the California Code of Civil Procedure (approved by the California Department of Insurance). The District may contact the surety to confirm the information provided in support of the Contractor's pre-qualification application and may also contact the surety on a project by project basis.

2. Insurance Information

Contractor must provide an insurance certificate from a carrier with financial rating of at least A; V as rated in the most recent edition of Best's Key Rating Guide. The certificate shall contain at a minimum the following coverages and limits:

General Liability:	\$1,000,000 Each Occurrence \$2,000,000 Aggregate
Automobile Liability:	\$1,000,000 Each Person \$1,000,000 Each Accident
Worker's Compensation:	Statutory

III. Pre-Qualification Questionnaire

1. Background Information

Provide firm name as it appears on license: _____

Contractor Scope of Work: _____

Contact Person and Title: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Indicate legal status of the firm (Corporation, Partnership, Sole Proprietor, etc.):

If firm is a corporation, indicate President and Secretary:

If firm is a Partnership, indicate partners:

If firm is a Sole Proprietor, indicate owner:

Current contractor's license numbers and classifications:

How long have you had this license: _____

Have any of the principals of the firm had another contractor's license or have they been listed on any other contractor's license: Yes_____ No_____

If the answer is "Yes", provide the license numbers and explain the circumstances on attached sheets.

2. History of Your Firm

- a. How long ago was contractor's firm founded: (Please provide appropriate evidence of date). (1 point per year up to maximum of 6 pts.)
- b. For the categories of projects listed below identify the number of projects that your firm has performed in that category of project and that are sized 50% or greater than the anticipated trade contract value for this project

completed in last five (5) years. Anticipated contract values of trades requiring pre-qualification are listed on Exhibit "A".

Provide a list of project names, contract amounts, completion dates and Owner contact information to substantiate this section.

_____ *Community College, K-12 Facilities, University Facilities (2 pts per project up to a maximum of 20 points)*

_____ *Central Plant Mechanical Systems, Buried Chilled Water & Heating-Hot Water piping systems (2 pts per project up to a maximum of 10 points)*

3. Project List and References

Attach sheets showing the *last* ten (10) largest projects your firm has completed within the last five (5) years. Information must include the following: Name of Owner, Owner Contact and Phone Number, Project Name and Description, Original Contract Amount and Final Contract Amount. District reserves the right to contact and verify references. Unverified references may be cause for dismissal of project in point total. *(Of the projects listed, the original contract amounts of the projects will be averaged and scored on the following basis:*

_____ Average equal to or greater than the anticipated contract value noted on Exhibit "A-1". (25 pts.)

_____ Average between 50% and 100% of the anticipated contract value noted on Exhibit "A-1". (20 pts.)

_____ Average between 25% and 50% of the anticipated contract value noted on Exhibit "A-1". (10 pts.)

_____ Less than 25% of the anticipated contract value noted on Exhibit "A-1". (Zero)

4. OSHA Violations

- a. 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 last five (5) years: *(If answer is "Yes," Contractor is automatically disqualified.)*

Yes _____ No _____

- b. Has the federal OSHA cited and assessed penalties against your firm in the last five (5) years: *(If answer is "Yes," Contractor is automatically disqualified.)*

Yes_____ No_____

5. Labor Code and Apprenticeship Violations

- a. 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? *(If answer is "Yes", Contractor is automatically disqualified.)*

Yes_____ No_____

- b. Has there been any 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 or federal (Davis-Bacon) prevailing wage laws/requirements? *(If your firm's average gross revenues for the last three years was less than \$50 million, the scoring is as follows: 5 points for either "No" or "Yes" indicating either 1 or 2 such instances; 3 points for "Yes" indicating 3 such instances; 0 points for "Yes" and more than 3 such instances. If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows: 5 points for either "No" or "Yes" indicating no more than 4 such instances; 3 points for 'yes" indicating either 5 or 6 such instances; 0 points for 'yes" and more than 6 such instances.)*

Yes_____ Number of Instances_____ No_____

6. Claim History

- a. In the last five (5) years, has your firm or any of its owners, officers or partners, ever been found liable in a civil suit, or convicted/found guilty in a criminal action: (a) involving the awarding of a contract of a government construction project, (b) involving the bidding or performance of a government contract, or (c) involving fraud, theft or any other act of dishonesty, including but not limited to the California False Claims Act, or Federal False Claims Act? *(If answer is "Yes", Contractor is automatically disqualified.)*

Yes_____ No_____

7. Surety Company Information

- a. 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 or to satisfy any claims made against a payment bond issued on your firm's behalf? (8 points for "No"; 4 points for "Yes" indicating no more than 1 such claim; 0 points for 2 or more claims).

Yes_____ Number of Claims_____ No_____

- b. If your firm was required to pay a premium of more than one percent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so. (8 points if the rate is no more than 1.0 percent; 4 points if the rate was no higher than 1.10 percent; 0 points for any other answer.)

_____%

- c. During the last five (5) years, has your firm ever been denied bond credit by a surety company or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? ("No" = 8 points; "Yes" = 0 points.)

Yes_____ No_____

8. Insurance / Worker's Compensation Experience Modification Rate

- a. In the last five (5) years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? (5 points for "No", 3 points for "Yes" indicating 2 such instances; 0 points for "Yes" or if more than 2 such instances.)

Yes_____ Number of Instances_____ No_____

- b. What is your firm's current worker's compensation experience modification rate? (*Less than 1.00*·5 pts.; 1.01 < or = 1.25 -2 pts.; If > 1.25 Contractor is automatically disqualified.) **Please provide evidence from your insurance carrier of this modification rate.**

Rate_____

9. Licensing

Has your Contractor's license, or those of its responsible managing Employee, Responsible Managing Officer, any Owners, Officers, or Partners been revoked or suspended at any time in the last five (5) years? *(If any such license has been revoked, Contractor is automatically disqualified. If any such license has been suspended, attach a sheet explaining the circumstances which the Owner may consider. The Owner reserves the right to disqualify contractor after review of the explanation).*

10. Certification under Penalty of Perjury

I, _____, the undersigned, certify and declare that I know the contents of all documents submitted pursuant to the Pre-Qualification Documents, have read all the foregoing answers to the Pre-Qualification Questionnaire included in the Pre-Qualification Documents and any attached sheets and know their contents. The matters contained in, or submitted pursuant to the Pre-Qualification Documents, all documents submitted herewith, and all Pre-Qualification Questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, 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 true and correct.

Date: _____

Signed: _____

Name: _____

Title: _____

Must be signed by an Owner, partner, or Corporate Officer Authorized to sign on behalf of Corporation.
Signature must be notarized.

Attachment “A-1”

Trade Package Number	Trade Package Description	Estimated Trade Package Value
1	Central Plant Mechanical Systems and Energy Loop Project	\$6-8 million

NOTE: FINAL TRADE PACKAGE DESCRIPTION AND VALUE WILL BE DETERMINED AFTER OWNER, PROGRAM DIRECTOR AND CONTRACTOR REVIEW. THE VALUES SHOWN ABOVE ARE ESTIMATES AND ARE SUBJECT TO CHANGE.