

Bid 4-1112
Main Building Replacement Phase 1
Mission College
West Valley – Mission Community College District

ADDENDUM NO. **Two (2)** DATE: October 27, 2011

CLIENT/PROJECT: West Valley – Mission
Community College District **BID OPENING LOCATION:**
Director, General Services
Facilities Building
14000 Fruitvale Avenue
Saratoga, CA 95070

ARCHITECT'S
PROJECT NO. 29438 **BID Date:** Thursday, November 16, 2011
2:00 p.m.

ARCHITECT: LIONAKIS
1919 19th Street
Sacramento, CA 95811

D.S.A. APPLICATION 01-111357
NO.
D.S.A. FILE NO. 43-C3

NOTICE TO ALL CONTRACTORS SUBMITTING BIDS FOR THIS WORK AND TO ALL PLAN HOLDERS:
You are hereby notified of the following CHANGES, clarifications or modifications to the original Contract Documents, Project Manual, Drawings, Specifications and subsequent Addenda. This Addendum shall supersede the original Contract Documents and previous Addenda wherein it contradicts the same and shall take precedence over anything to the contrary therein. All other conditions remain UNCHANGED .

A. CHANGE OF DATE & TIME OF BID OPENING

- Item (1) Notice to Contractors Calling for Bids:
- a. **REVISED:** Date and Time of Bid Opening: Bid Date/Time revised from November 10, 2011 3:00 pm to **November 16, 2011 2:00pm**
- Item (2) **REVISED:** Section 00 41 00 Modifications to Call for Bids; Revision of Subcontractor Performance Bond Requirements. The following provision is revised to the Call for Bids as follows:
- a. **Subcontractor Performance Bonds.** Subcontractors for the following trades/portions of the Work ("Bonded Subcontractor") must obtain Performance Bonds ("Subcontractor Bonds"): Any/All Subcontractor trade(s) who are listed on the Bid Proposal form, and whose cumulative sum of work is equal to or greater than one half of one percent (1/2 of 1%) of the total Bid Proposal Amount. Each Bidder's solicitation of sub-bids for the foregoing trades/portions of the Work must comply with Public Contract Code §4108(c)(1) and (2) by specifying the requirement for such Subcontractors to

obtain Subcontractor bonds conforming to the requirements set forth in the Contract Documents. Bonded Subcontractors who fails to obtain Subcontractor Bonds will be deemed to be a non-responsible Subcontractor by the District pursuant to Public Contract Code §4107(a)(9) and shall be replaced by the successful Bidder pursuant to Public Contract Code §4107 without adjustment of the Contract Price or the Contract Time.

B. CHANGES AND/ OR CLARIFICATIONS TO THE SPECIFICATIONS:

- Item (1) Refer to Attachment No. One (1), Statement of Qualifications
 - a. **REVISED:** Section 00 45 13, Statement of Qualifications (Rev 10/2011)
- Item (2)
 - a. **DELETED:** Section 00 45 13, Statement of Qualifications, Attachment 'C' in its entirety.
- Item (3)
 - a. **REVISED:** Section 00 11 13 Instructions to Bidders: Addition of Paragraph 16, Owners Standards: "16. Owners Standards - In accordance with California Public Contract Code section 3400, a designee of the District has made a finding that particular materials, products, things, and/or services are to be designated in the Contract Documents by specific brand or trade name for the following purpose: in order to match other products in use on a particular public improvement either completed or in the course of completion ('Owners Standards'). The Owner's Standards are designated elsewhere in the Contract Documents."
- Item (4)
 - a. **REVISED:** Section 00 43 24, Pre-Bid Inquiry Form: Last day/time for submission of Pre-Bid RFI's shall be revised from October 31, 2011 5:00pm to **November 7, 2011 5:00pm**. Refer to Attachment No. TWO (2), Pre-Bid Inquiry Form
- Item (5)
 - a. **REVISED:** Section 00 41 00, Bid Proposal, Paragraph 1.3: The text of Paragraph 1.3 of the Bid Proposal form is deleted in its entirety and replaced with the following: "This modification does not change or modify any portion of the table of Allowances set forth in Paragraph 1.3 of the Bid Proposal form. The Bid Proposal pricing shall include and incorporate the following Allowances:"
- Item (6)
 - a. **REVISED:** Section 00 72 00, Special Conditions: The following is added to the Special Conditions as Paragraph 1.21, A: "1.21, A; Allowances The Contract Documents establish Allowance Amounts ("Allowances") relating to specific designated portions of the Work; the Contract Price is inclusive of the Allowances. Allowances shall not be used for or applied to any portion of the base scope of Work reflected in the Contract Documents. Allowances shall be used and applied only for changes or additions directed by the District to the base scope of work for the portion of Work for which each Allowance is designated. If the District directs Change(s) to a portion of Work for which an Allowance has been designated and such Change(s) is/are not the result of fault or neglect of the Contractor, the costs associated with such Change(s) shall be computed in accordance with Article 9 of the General Conditions and deducted from the Allowance designated for such

portion of the Work. If the District directs Change(s) to the Work pursuant to the foregoing and the costs of such Change(s) exceeds the Allowance designated for such portion of the Work, such excess costs shall be added to the Contract Price by Change Order issued pursuant to Article 9 of the General Conditions. If the District: (i) does not direct Change(s) to a portion of Work for which an Allowance is designated; or (ii) the District direct Change(s) to a portion of the Work for which an Allowance is designated and the costs of such Change(s) are less than the Allowance, the entire Allowance or the portion of the Allowance exceeding the costs of such Change(s), as applicable, shall be deducted from the Contract Price by Unilateral Change Order(s) issued by the District pursuant to Article 9 of the General Conditions.

C. PRE-BID CLARIFICATIONS

- Item (1) Taisei Construction: RFI #1 - **Question:** Reference Specification Section 00 45 13, Question 4.2; Question 4.2 of the Statement of Qualifications indicates a requirement for self performance. Is it the intent of the District to limit the bidding field to prime contractors whom self perform only? If not, Question 4.2 greatly inhibits the ability for prime contractors whom do not self perform to meet the minimum qualifying requirement of (132) points. **Response:** The form and content of the Statement of Qualifications has been revised to delete the original Question 4.2 relating to bidder's self performed work. See Attachment No. One (1) noted above.
- Item (2) Roebbelen Contracting Inc.: RFI #1 - **Question:** Reference Specification Section 00 45 13, Question 3.10; Roebbelen Contracting has built several projects with a value greater than \$40,000,000 over the years. We have not been awarded one within the past (3) years. Can this question be revised to have a \$40,000,000 project completed within the past (5) years? **Response:** The form and content of the Statement of Qualifications has been revised to modify the dollar amount for the original Question 3.10 relating to bidder's previous work from \$40,000,000 to \$10,000,000. See Attachment No. One (1) noted above.
- Item (3) Roebbelen Contracting Inc.: RFI #2 - **Question:** Reference Specification Section 00 45 13, Question 4.2 and Attachment 'C'; Question 4.2 is a question about the amount a contractor self performs. This project is valued at \$41,000,000. Attachment 'C' is asking for projects that a contractor has self performed in excess of \$10,000,000 worth of work within the past (3) years. For this project, a contractor would have to self perform 25% of the work in order to self perform \$10,000,000 worth of work. We are requesting that the amount in Attachment 'C' be \$4,000,000 worth of work. This works out to be 10% which is in the middle of the point values of Question 4.2. You are giving the maximum amount of points for Question 4.2 for 15% or more of self performed work. Fifteen percent of \$41,000,000 is \$6,600,000, which is still significantly less than the

\$10,000,000 in Attachment 'C'. Can Attachment 'C' be changed as we have noted in the attached? **Response:** The form and content of the Statement of Qualifications has been revised to delete the original Question 4.2 relating to bidder's self performed work. See Attachment No. One (1) noted above.

- Item (4) Lathrop Construction: RFI #1 - **Question:** Reference Specification Section 00 45 13, Questions 3.2 and 3.3: Essential Requirements: Question 3.2 specifically requests General Liability limits of \$2,000,000 per occurrence and \$4,000,000 in the aggregate. Question 3.3 also requires a current umbrella policy with the limits of at least \$10,000,000. These requirements combined are equal to total General Liability limits of \$12,000,000 per occurrence and \$14,000,000 in aggregate. We carry a primary General Liability policy with limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. We also have a current umbrella policy with limits of \$2,000,000. This provides total available General Liability limits of \$21,000,000 per occurrence and \$22,000,000 in the aggregate. As such we are in compliance with the insurance requirements of Questions 3.2 and 3.3. In fact, we exceed the per occurrence requirement by \$11,000,000, and the aggregate requirement by \$12,000,000. The structure of our General Liability program is the industry standard. Please confirm that our General Liability/Umbrella structure and total limits of liability are in compliance with the qualifications for the above-referenced project. **Response:** This is an OCIP project. The coverage the District is requesting is for the off-site exposure while on site. The OCIP is the primary and those limits are \$5,000,000 each occurrence, \$10,000,000 in the aggregate. The OCIP will be the primary insurance for the on-site work, the Contractor's insurance, as well as their umbrella policy, is for off-site exposure and will act as the secondary for anything over the OCIP's coverage.
- Item (5) Flintco: RFI #7 - **Question:** Reference Addendum #1, Section B, Items #1 through #5; Please confirm which subcontractor trades require performance bonds. **Response:** The subcontractor trades which require performance bonds are those listed on the Contractor Bid Form, and shall include any/all subcontractor trade(s) who perform a minimum of one half of one percent (1/2 of 1%) of the work or greater as previously stated in Addendum #1.
- Item (6) Flintco: RFI #8 - **Question:** Reference Addendum #1, Section A, Item #5 and Specification Section 01 27 50; Please reference Addendum #1, Section A, RFI response Item #5. Neither the Bid Form, nor the allowance specification 01 27 50, provide a complete description of the bid allowances. Without a description, it cannot be concluded what is included in the allowance versus what is covered in the base bid. or example, allowance A-4 for "signage/wayfinding" infers that all of the building signage is included in this allowance. Several subcontractors have requested this information from us. Please advise. **Response:** See Section 'B' Changes and/or Modifications to the Specifications, Item (6)(a) noted above for response.
- Item (7) DLR Sales Inc.: E-Mail Regarding Proprietary Door Hardware (no formal "Pre-Bid Inquiry Form" completed/submitted/reviewed, and no substitution information submitted to date as required by the contract documents); **Question:** "Upon review of the 08700 (Finish Hardware) specifications for the Mission College New Main Building, scheduled for bid on 11/10/11 we note the following proprietary listings: LCN - Closers; Schlage -

Keying; Schlage - Locks; Schlage Primus Core; Von Duprin - Exit Devices. The specifications are not in compliance with California Public Contracting Code Section 3400(b) and per the code have not described the finding required to apply 3400 (b)(1)(2) nor (c)(2). CPCC 3400(c) requires that the awarding authority make a "finding" which supports conclusion to use a specific brand (2) In order to match other products in use on particular public improvement either completed or in the course of completion. Therefore, these findings must be determined and listed in the original invitation to bid, and not by addenda. Sole source specifications drafted, or influenced, by the listed manufacture, and published by the awarding authority, do not permit fair and balanced review. According to the statute there is no provision allowed for rejection based on "District Standards", "No Known Equal", nor does it give discretion to the End User or It's Consultants to limit bidding to listed "Acceptable Alternatives". Furthermore, 3400 (b) states: In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Stanley Black and Decker *is* an equal product with a presence in California and the following products are part of this group: Best Access Systems (Locks and Latches); Precision Hardware (Exit Devices); Stanley Door Closers (Door Controls); Stanley Consumer Hardware (Hinges). Additionally, we request these products be included by addenda: Air Louvers, Inc., Best, DCI, Don-Jo, Oshkosh, Reese Enterprises, Republic Doors, SSS Closers, Tiger Door, and Wilson Partitions. Use of like product from above manufacturers will not require plan, or design changes. These are industry recognized products commonly used in similar type projects. Not including or allowing these products demonstrates either a lack of industry knowledge or an attempt to sole source for self interest on this public project. We contend the following statements are backed by written and published warranty: 1.) These items are at least equal in quality, durability, design and appearance to those specified 2.) These items will perform the intended function at least equally as well 3.) These items conform substantially, to the requirements contained within the specifications. To obtain literature for any of these products please [click here](#) or contact us directly. This inquiry is made on behalf of a qualified distribution channel who would like to competitively bid Mission College New Main Building with the manufacturers listed above, without risk of unsubstantiated rejection, and undue hardship, generated by sole source specifications on this public work. We will be soliciting distribution to bid this work, using like products from the above manufacturers, to those specified. Notification of the addendum listing these products would be appreciated." **Response:** See Item (3)(a) noted above in Section 'B' Changes and/or Clarifications to the Specifications. Additionally, please note the following: Upon review of the October 25 email, it appears your concerns are limited to the contentions that: 1) certain items are designated in the Specifications by specific brand or trade name; 2) the Call for Bids for the project does not describe findings with respect to said items; and, 3) that, as no findings are described in the Call for Bids, the Specifications should include the words, "or equal" as to said items. It also appears that the items referred to in the October 25 email are called out at section 08 71 00 of the Specifications, entitled, "Door Hardware." At section 08 71 00, the following items are called out as, "Owner's standard" at certain subdivisions of the section, namely: i) 2.8.C, Mortise Locksets and Latchsets; ii) 2.8.D, Cylindrical Locksets and Latchsets; iii) 2.8.E, Exit Devices and Removable Mullions; iv) 2.9, Key Systems; and v) 2.10, Closing Device. A designee of the District has evaluated each of those items to verify compliance with the Referenced Standards and Regulatory Requirements at subdivision 1.4 of section 08 71 00, and

has evaluated each of those items in comparison to items in use for comparable purposes on particular public improvements either completed or in the course of completion. Public Contract Code section 3400(c) provides that a requirement of subdivision (b), to set forth the words, "or equal" with respect to an item called out in the specifications for a project, is not applicable, "if the awarding authority or its designee makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes: ... (2) In order to match other products in use on a particular public improvement either completed or in the course of completion." In accordance with Public Contract Code section 3400(c), a designee of the District has made a finding that the materials, products, things, and/or services set forth at section 08 71 00 of the Specifications identified as Owner's standard are to be designated in the Contract Documents by specific brand or trade name for the following purpose: in order to match other products in use on a particular public improvement either completed or in the course of completion. As a result, the requirement under Public Contract Code section 3400(b) to set forth the words, "or equal" as to said items is inapplicable. In accordance with Public Contract Code section 4104.5, the District, with the issuance of this Addendum #2, sets forth its finding on said items in the Call for Bids.

END OF ADDENDUM

STATEMENT OF QUALIFICATIONS

Each Bidder must submit this Statement of Qualifications concurrently with submission of its Bid Proposal for the Work; the Statement of Qualifications submitted by each Bidder must be fully completed and executed by an authorized employee or officer of the Bidder. Failure of a Bidder to comply with the foregoing will result in rejection of the Bidder's Bid Proposal for non-responsiveness.

A Bidder's Bid Proposal will be rejected for non-responsiveness if the Bidder's responses to this Statement of Qualifications does not result in a "Qualified" status for the Bidder. In order for a Bidder to be deemed "Qualified" each Bidder must fully comply with the requirements of this Statement of Qualifications and: (i) must not have any "Not Qualified" responses to the questions in Section 3 of this Statement of Qualifications; (ii) must have a score of at least One Hundred Thirty Two (132) points in responses to the questions in Section 4 of this Statement of Qualifications; and (iii) must have a score of at least Thirty (30) points in responses to the questions in Section 5 of this Statement of Qualifications.

1. Bidder Information.

1.1. Contact Information

Mailing Address	_____
	Street Address
Physical Location Address (if different from mailing address)	_____
	City, State, Zip Code
Telephone	(_____) _____
Fax	(_____) _____

1.2. Bidder Contacts

Name	_____
Contact Information	Telephone: (_____) _____
	Fax: (_____) _____
	Email: _____

Name	_____
Contact Information	Telephone: (_____) _____
	Fax: (_____) _____

	Email: _____
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1.3. California Contractors' License.

License Number(s)	_____
License Classification(s)	_____
Responsible Managing Employee; Responsible Managing Officer	_____
Expiration Date(s)	_____

1.4. Bidder Form of Entity (check appropriate box). The District expressly reserves the right to request, and receive from the Bidder, substantiation of the Bidder's form of business entity, authority of the Bidder to conduct business in the State of California, County of Santa Clara and/or City of Santa Clara and information pertaining equity owners of the Bidder's form of entity (collectively "Additional Information"). If a Bidder is requested by the District to provide any or all of the Additional Information, the failure of the Bidder to fully provide the requested Additional Information within the time established by the District will result in the Bid Proposal of such Bidder being deemed non-responsive and rejected.

- Corporation
- General Partnership
- Limited Partnership
- Limited Liability Company
- Limited Liability Partnership
- Joint Venture
- Sole Proprietorship

1.5. Revenue. Complete the following for the Bidder's construction operations; if any portion of the revenue disclosed is generated by non-construction operations or activities, the Bidder must identify the portion of revenue attributed to construction operations and generally describe business activities of the Bidder that generates non-construction operations related revenue.

Calendar Year/ Fiscal Year	Annual Gross Revenue	Average Dollar Value of all Contracts	Dollar Value of Largest Contract
2008 (FY 2007/2008)			
2009 (FY 2008/2009)			
2010 (FY 2009/2010)			

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1.6. References.

Material Suppliers			
Supplier Name	Address	Telephone No. (Must be current and operating phone number)	Contact Name
Owners (K-12 school districts or community colleges preferred)			
Owner Name	Address	Telephone No. (Must be current and operating phone number)	Contact Name
Architects/Design Professionals (References must be the Architect of Record or Structural Engineer of Record for California K-12 or California community college district projects under DSA jurisdiction with an initial construction value of \$20 Million or more)			
Architect/Structural Engineer Firm Name	Address	Telephone No. (Must be current and operating phone number)	Contact Name
DSA Project Inspectors (References must be DSA Class I Certified Project Inspectors)			
Project Inspector Name	Address	Telephone No. (Must be current and operating phone number)	

1.7. Insurance.

1.7.1. Commercial General Liability Insurance:

Insurer: _____

Current Policy No.: _____

1.7.2. Commercial General Liability Insurance Broker:

Broker: _____

Address: _____

Telephone No.: (____) _____

Fax No.: (____) _____

Contact Name: _____

1.7.3. Umbrella (Excess Liability) Insurance:

Insurer: _____

Current Policy No.: _____

1.7.4. Umbrella (Excess Liability) Insurance Broker:

Broker: _____

Address: _____

Telephone No.: (____) _____

Fax No.: (____) _____

Contact Name: _____

1.7.5. Workers' Compensation Insurance.

Insurer: _____

Current Policy No.: _____

1.7.6. Workers' Compensation Insurance Broker:

Broker: _____

Address: _____

Telephone No.: (____) _____

Fax No.: (____) _____

Contact Name: _____

2. Financial Status. Each Bidder must submit a California CPA audited Financial Statement for the 2010 calendar year or the 2009/2010 fiscal year. The entirety of the Bidder's Financial Statement (including without limitation, auditor's notes) must be submitted. Failure of a Bidder to submit the entirety of its Financial Statement may, in the sole discretion of the District, result in rejection of the Bidder's Bid Proposal for non-responsiveness. Notwithstanding submission of a Bidder's Financial Statement, the District expressly reserves the right to require additional, supplemental information of the Bidder's financial condition prior to award of the Contract. If a Bidder is requested by the District, after the opening of Bid Proposals and prior to award of the Contract, to provide additional or supplemental financial information, the failure of such Bidder to provide the request additional/supplemental financial information within the time established by the District will result in the Bid Proposal of such Bidder being deemed non-responsive and rejected.

3. Essential Requirements. A Bidder will not be deemed qualified if the answer to any of the following questions in this Section 3 results in a "not qualified" response.

3.1. Bidder possesses a valid and currently in good standing a B-General Building Contractor California Contractors' license.

Yes No (Not Qualified)

3.2. Bidder has a current commercial general liability insurance policy with coverage limits of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate, and Bidder would obtain a commercial general liability insurance policy with coverage limits of at least \$2,000,000 per occurrence and \$4,000,000 in the aggregate if awarded a contract for the Work.

Yes No (Not Qualified)

3.3. Bidder has a current umbrella (excess liability) insurance policy with coverage limits of at least Ten Million Dollars (\$10,000,000).

Yes No (Not Qualified)

3.4. Bidder has a current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code § 3700.

Yes No (Not Qualified)

3.5. Certificates of Insurance evidencing the Bidder's current commercial general liability insurance policy, umbrella excess/liability insurance policy and workers compensation insurance are attached to the response to this Qualifications Statement.

Commercial General Liability Certificate of Insurance

Yes No (Not Qualified)

Umbrella (Excess Liability) Insurance Policy

Yes No (Not Qualified)

Workers Compensation Certificate of Insurance

Yes No (Not Qualified)

3.6. Is the Bidder ineligible or debarred from submitting Bid Proposals for public works projects or public works contracts pursuant Labor Code §1777.1 or Labor Code §1777.7?

Yes (Not Qualified) No

3.7. Has any public agency, within the past five (5) years conducted proceedings that resulted in a finding that the Bidder, or any predecessor to the Bidder, is not a “responsible” bidder for a public works project or a public works contract?

Yes (Not Qualified) No

3.8. At any time during the last five (5) years, has the Bidder or any predecessor to the Bidder, or any of the equity owners of the Bidder been convicted of a federal or state crime involving fraud, theft, or any other act of dishonesty?

Yes (Not Qualified) No

3.9. Has the Bidder, any predecessor to the Bidder, any equity owner of the Bidder, or any principal of the Bidder been found guilty, within the past ten (10) years, of violating any federal, state or local law, rule or regulation regarding a construction contract?

Yes (Not Qualified) No

3.10. Within the past five (5) years, has the Bidder been awarded the contract (as a general contractor) for construction of a work of improvement with initial construction cost of at least Ten Million Dollars (\$10,000,000) which is: (i) subject to DSA jurisdiction; or (ii) subject to OSHPD jurisdiction; or (iii) owned by the University of California or the California State University?

Yes No (Not Qualified)

3.11. Within the past five (5) years, has the Bidder completed construction of a work of improvement (as the general contractor) subject to DSA jurisdiction, or subject to OSHPD jurisdiction or which is owned by the University of California or the California State University, which incorporated a moment steel frame structural design and structural steel construction costs of at least Two Million Five Hundred Thousand Dollars (\$2,500,000). For purposes of the foregoing, completing construction of a work of improvement shall be deemed to occur upon the Bidder’s filing of a Verified Report with DSA or OSHPD certifying to completion of construction in accordance with the Design Documents for such work of improvement or acceptance by the University of California/California State University, as applicable.

Yes No (Not Qualified)

3.12. Is the Bidder’s maximum bonding capacity for a single project equal to or greater than Fifty

Million Dollars (\$50,000,000)?

Yes No (Not Qualified)

3.13. Is the Bidder's maximum bonding capacity for all projects equal to or greater than Two Hundred Fifty Million Dollars (\$250,000,000)?

Yes No (Not Qualified)

3.14. Is the Bidder's current bond premium rate equal to or less than one percent (1%)?

Yes No (Not Qualified)

3.15. Within the past five (5) years, has the Bidder been declared in default or breach of any contract for construction of any work of improvement (whether public works or private works) or portion thereof?

Yes (Not Qualified) No

3.16. Within the past five (5) years, has any surety taken over or completed (in whole or in part) any contract for construction of a work of improvement (whether public works or private works) to which the Bidder was a party?

Yes (Not Qualified) No

3.17. Within the past five (5) years, has there been any construction project that the Bidder did not complete (whether or not construction of such project(s) was completed or taken-over by a surety)?

Yes (Not Qualified) No

3.18. Has the Bidder or a predecessor to the Bidder filed for bankruptcy, been subject to a bankruptcy or insolvency proceeding or sought the protection under any bankruptcy or insolvency laws (whether under Federal law or any state laws) within the past five (5) years?

Yes (Not Qualified) No

3.19. Within the past five (5) years, has the Bidder or a predecessor to the Bidder entered into or executed an assignment for the benefit of creditors?

Yes (Not Qualified) No

3.20. Has any equity owner of ten percent (10%) or more of the equity of the Bidder or a predecessor to the Bidder filed for bankruptcy, been subject to a bankruptcy or insolvency proceeding or sought the protection under any bankruptcy or insolvency laws (whether under Federal law or any state laws) within the past five (5) years?

Yes (Not Qualified) No

3.21. Does the Bidder have a Claims/Litigation Score of three (3) points or more?

Yes (Not Qualified) No

For purposes of Question 3.20 and the Claims/Litigation Score, the following apply. The claims history (filed litigation, arbitration or mediation proceedings) of each Bidder will be evaluated and scored to determine if the Bidder has a history of asserting unmeritorious claims relating to construction contracts/projects or a history of having meritorious claims asserted against the Bidder relating to construction contracts/projects.

To complete the evaluation, each Bidder must complete and submit concurrently with submittal of this Statement of Qualifications completed and executed forms of Attachment A (Claims Proceedings By Bidder) and Attachment B (Claims Proceedings Against Bidder). One (1) point will be assigned for each claim asserted by or on behalf of the Bidder within the past ten (10) years in connection with a construction project which was resolved by litigation, arbitration or mediation calling for recovery of fifty percent (50%) or less of the amount asserted by or on behalf of the Bidder in each such litigation, arbitration or mediation proceeding. One (1) point will be assigned for each qualifying Claim asserted against the Bidder within the past ten (10) years in connection with the design or construction of a construction project which was resolved by litigation, arbitration or mediation calling for recovery of fifty percent (50%) or more of the amount asserted against the Bidder. Claims for which a point is assigned pursuant to the foregoing are "Qualifying Claims."

Any Bidder with a Claims/Litigation Score of three (3) points or more is presumptively deemed "not qualified" due to the assertion of unmeritorious claims by or on behalf of the Bidder or the assertion of meritorious claims against the Bidder.

3.22. Within the past five (5) years has the Bidder completed construction (as a general contractor) of at least one work of improvement that is either LEED Certified, or LEED Silver, or LEED Gold, or LEED Platinum?

3.23. Is one (1) or more of the employees of the Bidder, or of a LEED consultant to the Bidder, a LEED accredited professional?

Yes No (Not Qualified)

3.24. Within the past five (5) years has the Bidder completed construction of any work of improvement (as a general contractor) subject to DSA jurisdiction for which the Bidder did not complete and file a Final Verified Report with DSA within ninety (90) days of the completion of construction?

Yes (Not Qualified) No

3.25. Within the past ten (10) years, has your organization or a predecessor to your organization been found by a public agency, or deemed by a public agency, to be not a responsible bidder?

Yes (Not Qualified) No

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4. Performance/Experience. A Bidder must receive a minimum of 124 points out of a possible 155 points for responses to the questions in this Section 4 in order to be deemed "Qualified."

4.1. Within the past three (5) years has your organization performed work on public works projects as a general contractor where the value of your work/services (excluding subcontractors) was valued at or more than \$10,000,000?

Yes No

Yes 1-5 Projects: 3 points
Yes 6-10 Projects: 5 points
Yes 10 or more Projects 10 points
No 0 points

4.2. Has a complaint ever been filed against your organization's California Contractors' License with the California Contractors' State License Board?

Yes No

Yes: 0 points
No: 10 points

4.3. Has your organization ever asked to be relieved of or refused to sign a contract for construction services awarded to it?

Yes No

Yes: 0 points
No: 5 points

4.4. Has your organization ever failed to complete a construction contract?

Yes No

Yes: 0 points
No: 5 points

4.5. Has your organization ever been declared in default of a construction contract?

Yes No

Yes: 0 points
No: 10 points

4.6. Has your organization ever failed to complete a public works construction contract within the authorized time?

Yes No

Yes: 0 points
No: 10 points

4.7. Has your organization ever been assessed and paid liquidated damages under a construction contract with either a public or private owner?

Yes No

Yes: 0 points
No: 10 points

4.8. Has any insurance carrier, for any policy of insurance, refused to renew an insurance policy for your organization?

Yes No

If yes, on how many occasions? _____

No occasions - 10 points
1 occasion - 3 points
More than 1 occasion - 0 points

4.9. State the maximum dollar value bonding capacity of your firm for any single project:

_____.

Up to Fifty Million Dollars (\$50,000,000)	5 points
Fifty Million Dollars (\$50,000,000) to Seventy Five Million Dollars (\$75,000,000)	10 points
More than Seventy Five Million Dollars (\$75,000,000)	15 points

4.10. State the maximum aggregate dollar value bonding capacity of your firm for all projects:

_____.

Up to Three Hundred Million Dollars (\$300,000,000)	5 points
Three Hundred Million Dollars (\$300,000,000) to Four Hundred Million Dollars (\$400,000,000)	10 points
More than Four Hundred Million Dollars (\$400,000,000)	15 points

4.11. State the current bond premium rate for your firm: _____

- .5% or less – 10 points
- .51% to .75% - 5 points
- .76% to 1% - 0 points

4.12. Does your firm have a current written Quality Assurance/Quality Control Program?

Yes No

- Yes (copy attached) 10 points (no points assigned unless the entirety of your firm's written Quality Assurance/Quality Control Program is attached)
- No 0 points

4.13. Does your firm directly employ a Quality Assurance/Quality Control manager responsible for development and implementation of your firm's Quality Assurance/Quality Control Program?

Yes No

- Yes 10 points
- No 0 points

4.14. Is your firm's Quality Assurance/Quality Control Program in compliance with one or more of the following standards: ASTM, NEN 2646, BS5750, MIL-I-450028, ISO-9000, ASME NQA-1, or Corp of Engineers?

Yes No

- Yes 10 points
- No 0 points

If yes, indicate the standard(s): _____

4.15. Within the past three (3) years how many works of improvement has the Bidder completed as the general contractor meeting all of the following criteria: (i) facility of ten thousand (10,000) gross square feet or more; (ii) work of improvement owned by a California K-12 school district, California community college district, University of California or California State University; and (iii) LEED Certified, LEED Silver, LEED Gold or LEED Platinum?

- 1-3 projects 3 points
- 4-6 projects 5 points
- 7-10 projects 7 points
- 10 or more projects 10 points

4.16. How many LEED accredited professionals does your organization currently directly employ?

- 1-3 employees 1 points
- 3-6 employees 3 points
- 6 or more employees 5 points

5. Safety and Labor. Bidder must receive a minimum of 30 points out of a possible 38 points in this section to be deemed "Qualified."

5.1. 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?

- Yes No
- 1 or less occasion - 5 points
- 2 occasions - 3 points
- More than 2 occasions - 0 points

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

- Yes No
- 1 or less occasion - 5 points
- 2 occasions - 3 points
- More than 2 occasions - 0 points

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

- Yes No # of occasions
- 1 or less occasion - 5 points
- 2 occasions - 3 points
- More than 2 occasions - 0 points

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

- Once a week or more often - 3 points
- Any other answer - 0 points

- 5.5. List your firm's Workers' Compensation Insurance Experience Modification Rate (EMR) 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: _____

Three-year average EMR of .95 or less - 5 points

Three-year average EMR or more than .95 but no more than 1.1 - 3 points

Any other EMR - 0 points

- 5.6. 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 California'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 to your firm.)

Yes No

2 or less occasions - 5 points

3 occasions - 3 points

More than 3 occasions - 0 points

- 5.7. Has there been more than one occasion during the past five (5) years on which your firm was required to pay back wages or penalties for your firm failure to comply with any Federal prevailing wage rate requirements (including without limitation, the Davis-Bacon Act)? (Note: this question refers only to your own firm's violations, not to violations by a subcontractor to your firm.)

Yes No

2 or less occasions - 5 points

3 occasions - 3 points

More than 3 occasions - 0 points

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

Yes No

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s): _____

2 or less occasions - 5 points

3 occasions - 3 points

More than 3 occasions - 0 points

6. Accuracy and Authority.

The undersigned is duly authorized to execute this Statement of Qualifications under penalty of perjury on behalf of the above-identified Bidder. The undersigned warrants and represents that he/she has personal knowledge of each of the responses to this Statement of Qualifications and/or that he/she has conducted all necessary and appropriate inquiries to determine the truth,

completeness and accuracy of responses to this Statement of Qualifications.

The undersigned declares and certifies that the responses to this Statement of Qualifications are complete and accurate; there are no omissions of material fact or information that render any response to be false or misleading and there are no misstatements of fact in any of the responses. The above-identified Bidder acknowledges and agrees that if the District determines that any response herein is false or misleading or contains misstatements of fact, the Bidder's Bid Proposal may be rejected by the District for non-responsiveness.

Executed this ___ day of _____ 20__ at _____
(City and State)

I declare under penalty of perjury under California law that the foregoing is true and correct.

By: _____
(Signature)

Title: _____

**ATTACHMENT A
CLAIMS PROCEEDINGS BY BIDDER**

Bidder Name: _____

(Use a separate form for each claim; reproduce this Attachment A as necessary.)

Project Information

Project Identification; Project Description	
Project Location (full street address)	
Project Owner	
Project Owner Contact (contact person, mailing address, phone numbers (office and cell), fax number and email address)	

Claim Information

Case Name and Case Number	
Court or Arbitration/Mediation Service (include street address and telephone number)	
Date of commencement of litigation, arbitration or mediation	
Date judgment issued, arbitration award served or mediation settlement	
Description of Claim	

Claims Resolution

Highest Amount Sought for Claims	
Amount Recovered	
Percentage of Amount Recovered to Highest Amount Sought for Claims	
Method of Claims Resolution	<input type="checkbox"/> Court Judgment <input type="checkbox"/> Arbitration Award <input type="checkbox"/> Mediation Settlement <input type="checkbox"/> Other: _____
If the Claims identified were resolved for less than 50% of the highest amount sought, set forth all factual and legal basis for the reasons why the claims should not be considered unmeritorious.	

**ATTACHMENT B
CLAIMS PROCEEDINGS AGAINST BIDDER**

Bidder Name: _____

(Use a separate form for each claim; reproduce this Attachment B as necessary.)

Project Information

Project Identification; Project Description	
Project Location (full street address)	
Project Owner	
Project Owner Contact (contact person, mailing address, phone numbers (office and cell), fax number and email address)	

Claim Information

Case Name and Case Number	
Court or Arbitration/Mediation Service (include street address and telephone number)	
Date of commencement of litigation, arbitration or mediation	
Date judgment issued, arbitration award served or mediation settlement	
Description of Claim	

Claims Resolution

Highest Amount Sought for Claims	
Amount Recovered	
Percentage of Amount Recovered to Highest Amount Sought for Claims	
Method of Claims Resolution	<input type="checkbox"/> Court Judgment <input type="checkbox"/> Arbitration Award <input type="checkbox"/> Mediation Settlement <input type="checkbox"/> Other: _____
If the Claims identified were resolved for more than 50% of the highest amount sought, set forth all factual and legal basis for the reasons why the claims should not be considered meritorious.	

PRE-BID INQUIRY FORM

Project: BID#4-1112, MISSION COLLEGE; MAIN BUILDING REPLACEMENT PHASE 1

Bidder inquiries shall be responded to only if timely submitted on this form to the following:

E-mail to: **mpentin@gilbaneco.com** Attention: **Matt Pentin**

Last Day for Pre-Bid RFI's is end of day (5pm) on **November 7, 2011**

(Note this form is available electronically upon request)

Item No.	Item Description	Drawings Sheet Ref.	Spec. Ref.

Submitted by: _____

Date Submitted: _____

Phone No.: _____

Fax No.: _____

Email: _____