



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Establishing a Standardized Questionnaire for Bidder Qualification as Provided by Public Contracts Code Section 20101

MEETING DATE: May 5, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution establishing a standardized questionnaire for bidder qualification as provided by Public Contracts Code Section 20101.

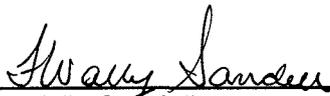
BACKGROUND INFORMATION: Public Contracts Code Section 20101 gives public entities the right to use a Bidder Qualification Questionnaire in order to ensure that prospective bidders have the appropriate experience, qualifications and financial stability to perform the work for a specific project. The Code requires "the Public Agency to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaire and financial statements, in order to determine both the minimum requirements permitted for qualification to bid, and the type and size of the contracts upon which each bidder shall be deemed qualified to bid." The uniform system of rating prospective bidders shall be based on objective criteria. An appeals process is also required to permit bidders to appeal the rating.

The proposed City of Lodi questionnaire (attached) is compiled from and modeled after an example questionnaire created by the State of California Department of Industrial Relations. The qualification questionnaire is an information and scoring utility that provides the City with contractor information regarding 1) history of the business and organizational performance, 2) compliance with occupational safety and health laws and workers' compensation and other labor legislation, 3) completion of recent projects and quality of performance, and 4) experience and resumes of project personnel. It is intended that project specific information will be added on a project-by-project basis. The qualification process will typically be used on very large projects or projects where specialty expertise and experience is required. Some projects will require the prime contractor, as well as major subcontractors, to be qualified.

The qualification process has been used with great success on previous City projects, such as Hutchins Street Square, White Sough Water Pollution Control Facility, Lodi Station Parking Structure, Police Facility and Central Plume PCE/TCE Interim Improvements Measures. Establishing a Standardized Questionnaire will eliminate the need for City Council to approve the pre-qualification questionnaire on a project-by-project basis. The Surface Water Treatment Plant construction project will be the next project the questionnaire is used for.

FISCAL IMPACT: Qualification of bidders for specific projects will help ensure the citizens of Lodi are receiving only experienced and qualified contractors to perform work.

FUNDING AVAILABLE: Not required.



 F. Wally Sandelin
 Public Works Director

Prepared by Gary Wiman, Construction Project Manager
 FWS/GW/pmf
 Attachment
 cc: City Attorney

APPROVED: 

 Blair King, City Manager

DATE

The City of Lodi is seeking Qualification of Bidders for the Construction of the PROJECT. This Qualification is for Candidates seeking qualification as Prime contractor.

Qualification Packets can be requested by emailing to gwiman@lodi.gov or by faxing the Public Works Department at (209) 333-6710. A return email address must be included to receive the documents.

All pertinent information is enclosed in the Qualification Packet and this Request.

The City of Lodi is issuing this Request for Qualifications ("RFQ") in search of Prime Contractors ("Candidates") who have the necessary qualifications as set forth in this RFQ to be pre-qualified to bid. Whether a Candidate has such qualifications will be determined through the evaluation process described in this RFQ. Candidates chosen through this process ("Qualified Candidates") will be notified of their eligibility to bid on the PROJECT. Candidates responding to this RFQ do so with the understanding that they are not guaranteed the awarding of contracts and work.

Each Questionnaire 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. If any information provided by the Contractor becomes inaccurate, the Contractor must immediately notify the City of Lodi and provide updated accurate information in writing, under penalty of perjury.

The City of Lodi reserves the right to limit, suspend or rescind the pre-qualification status based on subsequently learning information and after giving notice of the proposed action to the Contractor and an opportunity for a hearing consistent with the hearing procedures described for appealing a pre-qualification determination.

Each Candidate shall complete and submit one (1) copy of Parts I, II, III and IV; and all other information as requested in the RFQ. Completed questionnaires may be delivered in person or via courier or U.S. mail (other means of transmission, including facsimile, will not be accepted). Submittals must be signed and dated. No telephone or telegraphic submittals will be accepted. Any submittal received after the deadline will not be considered regardless of postmark or reason for late delivery.

INFORMATION MUST BE IN A SEALED PACKAGE AND CLEARLY MARKED AS FOLLOWS:

"Qualification of Bidders for the Construction of the PROJECT.

Hand Delivery or Courier:

City of Lodi
Public Works Department
Attn: Gary Wiman
221 West Pine Street
Lodi, CA 95240

U.S. Mail:

City of Lodi
Public Works Department
Attn: Gary Wiman
P.O. Box 3006
Lodi, CA 95241-1910

The City of Lodi may refuse to grant pre-qualification status where the requested information and materials are not provided. There is no appeal from a denial due to an incomplete application; however, the Candidate will be informed which documents or information are required to complete the application and shall be permitted two (2) working days to submit a complete application.

All information must be received no later than 5:00 p.m. on DATE.

Firms submitting the required information by the due date and meeting the minimum scoring requirements will be invited to bid on the project. The city of Lodi will evaluate the submittals and strive to make determinations in a timely manner.

Sincerely,

Gary R. Wiman
Construction Project Manager

GENERAL INFORMATION

Failure to complete the following requirements **may** result in the City of Lodi refusing to list the Contractor as an approved bidder. Failure to completely address the required criteria may result in disqualification.

Firms submitting a proposal shall designate a person responsible for questions and clarifications for the Prequalification Statement. Submission of an RFQ constitutes Bidder's consent for the City to conduct reasonable investigations and reference checks of the Bidder, proposed subcontractors, suppliers and other persons and organizations.

Any **questions regarding pre-qualifications shall be directed to Gary Wiman** at (209) 333-6800 ext 2054, Fax (209) 333-6710 or email at gwiman@lodi.gov.

A) Project Description:

- 1) The City of Lodi **PROJECT** consists of:
 - a) .
 - b) .
 - c) .

B) Schedule:

- 1) Illustrate that the company has sufficient resources available to meet the Project Schedule. Provide a bar chart showing **all** ongoing work, and planned work that is to be undertaken between **DATE**.
- 2) The project is anticipated to bid in **DATE** with a construction schedule of **—months**.

C) Project Construction Estimate:

- 1) The current project construction cost estimate is **\$000**

D) Contractor Qualification Questionnaire and Instructions

- 1) Complete the following Sections

Draft Site Plan

CONTRACTOR QUALIFICATION QUESTIONNAIRE

These forms are intended for City of Lodi use only. The City will attempt to maintain confidentiality subject to the requirements of the California Public Records Act.

CONTACT INFORMATION

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

Contact Person: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s) and expiration dates (list all licenses held):

Tax ID Number: _____

General Tax Exemption Number: _____

Dunn and Bradstreet Number (if applicable): _____

Each prospective contractor must have a CLASS California Contractor's license which is current, active and in good standing with the California Contractors State License Board (CSLB), on the date and time the request for qualifications submittal is due and must submit this request for qualification with all portions completed, including required attachments. Each prospective Contractor must answer all of the following questions and provide all requested information, where applicable. Any prospective Contractor failing to do so may be deemed unqualified to bid. It is critical that prospective Contractors fill out all information required accurately, completely, truthfully and to the best of their knowledge. Ambiguous or incomplete information may lead to an unfavorable evaluation resulting in a determination of non-qualification.

I, the undersigned, certify and declare that I have read all the answers to this prequalification questionnaire and know their contents. The Matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters 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

Print Name

QUESTIONS AND SCORING INSTRUCTIONS

Contractor must complete all answers

QUESTIONS AND THE SCORING INSTRUCTIONS

The questions arise in four different areas:

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

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers and history.

Scores Needed for Qualification

To qualify, a contractor would be required to have a passing grade within Sections I, II and III referred to below.

Section I, History of the business and organizational performance, a passing score of **65** on this portion of the questionnaire (of a maximum score of **76** on this portion of the questionnaire). Total of 16 questions.

Section II, Compliance with occupational safety and health laws, workers' compensation and other labor legislation a passing score of **45** on this portion of the questionnaire (of a maximum score of 55 points on this portion of the questionnaire). Total of 11 questions.

Section III, Completion of recent projects, a passing score of **70** on this portion of the questionnaire (of a maximum score of 90 points on this portion of the questionnaire). Total of 3 projects. Scores are based off information provided from the 3 references for the 3 reference projects. A score of 17 or lower on any one reference will disqualify the candidate.

Section IV, Experience and Resumes, respond to the questions and provide the information requested. Section IV is not scored. Information provided in Section IV will assist the City of Lodi in evaluating the candidates experience related specifically to Water Treatment Plant construction.

The City of Lodi will compile the scores based on the contractor's responses and the returned reference questionnaires. The City of Lodi will also consider the thoroughness of the submitted RFQ documents, attention to instruction and completeness of package. Candidates may be found not qualified if the RFQ submission package does not include all required items.

PART I ESSENTIAL REQUIREMENTS FOR QUALIFICATION

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

Contractor MAY be disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.” If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

If a Joint Venture, each contractor must answer the Part 1 and Part 2 Questions.

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.
 Yes No
2. Contractor has a liability insurance policy issued by a Company licensed to do business in the state of California with a policy limit of at least \$000 per occurrence and \$000 aggregate.
 Yes No
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
 Yes No Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?
 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. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?
 Yes No

NOTE: Notarized statement must be from the surety company, not an agent or broker. A sample letter is attached as exhibit “A”.

6. Has your contractor’s license been revoked at any time in the last ten years?
 Yes No
7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last Ten (10) years?
 Yes No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last ten 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

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

Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated: _____
 1b. Under the laws of what state: _____
 1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

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

For Firms That Are Partnerships:

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

Name	Position	Years with Co.	% Ownership	Social Security #

Person's Name	Construction Company	Dates of Person's Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
- 1b. Social security number of company owner. _____
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
 NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business. or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

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

- 1a. Date of commencement of joint venture. _____
- 1b. Provide all of the following information for each firm that is a member of the joint venture that

Name of firm	% Ownership of Joint Venture

History of the Business and Organizational Performance

- 2. Has there been any change in ownership of the firm at any time during the last three years?
 NOTE: A corporation whose shares are publicly traded is not required to answer this question.
 Yes No
 If "yes," explain on a separate signed page.
- 3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
 NOTE: Include information about other firms if one firm owns **50** per cent 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.
- 4. 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.
- 5. State your firm's gross revenues for each of the last three years:

7. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

- 8. Has your firm changed names or license number in the past five years?
 Yes No
 If "yes," explain on a separate signed page, including the reason for the change.
- 9. Has any owner, partner or (for corporations): officer of your firm operated a construction firm under any other name in the last five years?
 Yes No
 If "yes," explain on a separate signed page, including the reason for the change.

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

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

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

End of Section

Example: CERTIFICATION of SURVEY

Exhibit A

(To be submitted on agency letterhead)

Date:

To: City of Lodi
Public Works Department
Attn: Gary Wiman
P.O. Box 3006
Lodi, CA 95241-1910

Name of Contractor: _____

City/State: _____

_____ is authorized to execute bid, performance,
(Name of Bonding Agency)
and payment bonds for the above-named contractor subject to the following conditions:

1. Contract price of any one contract does not exceed \$.
2. Total amount of uncompleted work on hand, both bonded and unbonded, does not exceed \$_____
3. This work authority expires _____ unless previously rescinded in writing. Written notice of rescission will be provided to the above addressee within seven days of such rescission.

Signed by: _____
(Authorized Bonding Agency Representative)

Section I
Questions about History of the Business and Organizational Performance
(16 Questions)

1. How many years has your organization been in business in California as a contractor under your present license number? _____ Years.
Less than 3 years = 0 points
3 years to 5 years = 3 points
5 years to 10 years = 4 points.
10 years or more = 5 points
2. Is your firm currently the debtor in a bankruptcy case?
 Yes No
“No” = 3 points“ “Yes” = 0 points
3. Was your firm in bankruptcy any time during the last ten years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).
 Yes No
“No” = 3 points“ “Yes” = 0 points

If “yes,” please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.
4. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last ten years?
 Yes No
No = 5 points Yes = 0 points

If “yes,” please explain on a separate signed sheet.
5. At any time in the last ten years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?
 Yes No
No projects with liquidated damages = 5 points.
Yes answer = 0 points

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.
6. In the last ten years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
 Yes No
No = 5 points Yes = 0 points

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

7. In the last ten years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

No = **5** points Yes = 0 points

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 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 **\$25,000**.

8. In the past ten 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” How Many? _____

5 points for “No”.

3 points for “Yes” indicating 1 such instance.

0 points for “Yes” if **2** or more instances.

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).

9. In the past ten 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” How Many? _____

5 points for “No”.

3 points for “Yes” indicating 1 such instance.

0 points for “Yes” if **2** or more instances

If “yes,” on separate signed sheets of paper identify the claim 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).

10. At any time during the past ten 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” How Many? _____

5 points for “No”.

3 points for “Yes” indicating no more than 1 such claim

0 points for “Yes” if **2** more instances

Subtract five points for “Yes” if more than **2** such claims

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 such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

11. In the last ten years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No If "yes" How Many? _____
5 points for "No".
3 points for "Yes" indicating 1 such instance.
0 points for "Yes" if more than 1 such instances.
If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.
12. Has your firm or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
 Yes No
No = 5 points **Yes = subtract 5 points**
If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.
13. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
 Yes No
No = 5 points **Yes = subtract 5 points**
If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.
14. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
 Yes No
No = 5 points **Yes = subtract 5 points**
If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.
15. If your firm was required to pay a premium of more than one per cent 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 per cent, if you wish to do so.
_____%
5 points if the rate is no more than 0.8%
3 points if the rate was no higher than 1.0%
0 points for any other answer.
16. During the last ten years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?
 Yes No
No = 5 points **Yes = 0 points**
If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

End of Section I

Section II

Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws.
(11 questions)

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 ten 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” How Many? _____

5 points for “No” such instance.

3 points for “Yes” indicating 1 such instance.

0 points for “Yes” if more than 1 such instances.

If “yes,” attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board 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 ten 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.

Yes No If “yes” How Many? _____

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

5 points for “No” such instance.

3 points for “Yes” indicating 1 such instance.

0 points for “Yes” if more than 1 such instance.

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

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 ten 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” How Many? _____

5 points for “No” such instance.

3 points for “Yes” indicating 1 such instance.

0 points for “Yes” if more than 1 such instance.

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 Points for answer of twice each week or more often.

3 points for an answer of once each week.

0 points for any other answer

5. List your firm's Experience Modification Rate (EMR) (California workers' Compensation insurance) for each of the past three premium years:

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

Current year: _____

Previous year: _____

Year prior to previous year: _____

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

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

5 points for three-year average EMR of .85 or less

3 points for three-year average of EMR of more than .85 but no more than 1.00

0 points for any other EMR

6. Within the last ten years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

5 points for "No".

0 points for "Yes"

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 years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

Yes No If "yes" How Many? _____

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.

5 points for "No" such instance.

3 points for "Yes" indicating 1 such instance.

0 points for "Yes" and more than 1 such instance.

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.

8. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?

Yes No If "yes" How Many? _____

5 points for "No" such instance.
3 points for "Yes" indicating 1 such instance.
0 points for "Yes" and more than 1 such instance.

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.

9. 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 of Lodi.

5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.

10. State the number of individuals who were:

- (a) Employed by your firm as apprentices at any time during the past three years _____
- (b) Identify the craft or crafts in which your firm employed apprenticeship training in the past three years. _____

- (c) State the number of individuals who, during the past three years, completed apprenticeships in each craft while employed by your firm. _____

5 points if one or more persons completed apprenticeship while employed by your firm.
0 points if no persons completed apprenticeship while employed by your firm.

11. 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" How Many? _____

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

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.

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

End of Section II

Section III
Question concerning recent construction projects completed

Project Examples

Using the attached Project Data Sheets, you must submit three (3) of the largest (Dollar Value) completed or ongoing projects in the last five (5) years that are more than 75% complete by your firm, and which demonstrate technical complexity in materials and construction methods for projects similar to the City of Lodi PROJECT

Provide the names of the projects, the owners, the project managers, the size of the projects and when those projects were completed (if completed) as well as all other information requested on the attached "Project Data Sheet", for each project. The **City will forward** the reference questionnaire directly to the listed owners for completion and return to the City of Lodi. The individual furnishing the information in the reference questionnaire should be the project managers or the heads of the department in charge of the construction of the projects listed. The City of Lodi reserves the right to seek additional information from any individual who has information about the listed projects.

To effectuate the candid completion of the information requested in the reference questionnaire in section III, you are required to execute and submit the attached Release and Waiver of Liability in favor of each individual furnishing information requested in the questionnaire.

The highest possible score for each reference is 30 points. If a contractor scores less than 17 points on a single reference, the contractor is **NOT** qualified to bid on this project.

Candidate Name: _____ Date: _____

PROJECT DATA SHEET (One of Three References)

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name, email and current phone number):

Architect or Engineer: _____

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

Construction Manager (name, email and current phone number):

Registered Managing Employee (name, email and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

Liquidated Damages? Yes _____ No _____ Claims? Yes _____ No _____

Candidate Name: _____ Date: _____

PROJECT DATA SHEET (Two of Three References)

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name, email and current phone number):

Architect or Engineer: _____

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

Construction Manager (name, email and current phone number):

Registered Managing Employee (name, email and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

Liquidated Damages? Yes _____ No _____ Claims? Yes _____ No _____

Candidate Name: _____

Date: _____

PROJECT DATA SHEET (Three of Three References)

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name, email and current phone number):

Architect or Engineer: _____

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

Construction Manager (name, email and current phone number):

Registered Managing Employee (name, email and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

Liquidated Damages? Yes _____ No _____ Claims? Yes _____ No _____

RELEASE AND WAIVER AGREEMENT

This Release and Waiver of Liability (hereinafter the "Release") is entered into between the City of Lodi (City) and _____, a general contractor (hereinafter "General Contractor").

RECITALS

1. The City of Lodi has issued a Request for Pre-qualification to establish a pool of general contractors qualified to bid on the PROJECT.
2. General Contractor has submitted a response to the City's Request for Pre-qualifications and has submitted three projects and three owners as references for its qualifications.
3. The City seeks candid comments on the General Contractor's performance on the listed projects from the owners and the owners' representatives.

RELEASE AND WAIVER

General Contractor hereby fully and forever releases, exonerates, discharges, and covenants not to sue the City, its commissions and boards, officers and employees, and all individuals and entities furnishing comments on general contractors' performance from and for any and all claims, causes of action, demands, damages and any and all other liabilities of any kind or description, in law, equity, or otherwise arising out of information furnished about General Contractor's performance on the projects.

INTENDED BENEFICIARIES

The City, its commissions and boards, officers and employees and all individuals and entities furnishing any information relating to General Contractor's qualifications are intended beneficiaries of this Release and Waiver and are entitled to enforce its terms.

GENERAL CONTRACTOR
Authorized Representative

Dated: _____

THIS PAGE PROVIDED FOR INFORMATIONAL PURPOSES ONLY

REFERENCE QUESTIONNAIRE (for City of Lodi distribution to Contractor References)

The City of Lodi is undertaking a process to pre-qualify general contractors for the PROJECT.

The following general contractor: _____, has provided the City of Lodi with the name of your organization and the following project:

_____ as references regarding the Contractor's experience and qualifications to perform work on City projects. The Contractor has signed a Release and Waiver of Liability form as to the information you provide, a copy of which is attached for your reference.

Please complete and return the questionnaire to:

City of Lodi Public Works Department

Attention: Gary Wiman

P.O. Box 3006, Lodi, CA, 95241-1910.

Please give a brief description of the project; be sure to include the value of the project and the scope of work involved.

1. On a scale of 1-5, with 5 being the best, did the Contractor respond in a timely and responsible manner to stop notices or liens on the project? _____
2. On a scale of 1-5, with 5 being the best, did the Contractor provide adequate equipment, personnel and supervision on the job? _____
3. On a scale of 1-5, with 5 being the best, was the Contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? _____
4. On a scale of 1-5, with 5 being the best, rate how the Contractor performed in the area of turning in Operations and Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items. _____
5. On a scale of 1-5, with 5 being the best, how would you rate the quality of work overall? _____
6. On a scale of 1-5, with 5 being the best, would you like to have this contractor perform work on a similar contract for you in the future? _____

Initials of person filling out form _____

Date _____

SECTION IV
Experience and Resumes

Candidate Name: _____ Date: _____

This form must be completed and submitted along with the Candidate Contact Information Form, Parts, I, II and III of the Request for Qualifications in addition to the company resume and resumes of any staff identified in this questionnaire if you wish to be considered a qualified candidate for:
PROJECT

Experience:

1) **Do you – as a company or among your principal staff – have experience in constructing at least three (3) PROJECT each with a minimum construction cost of \$000 within the last 10 years?**

YES _____ NO _____

On a separate sheet of paper, please describe qualifying project experience, including;

- a) Project name and location,
- b) Names of principal staff responsible for delivery of project,
- c) Scope of work performed,
- d) List the treatment processes constructed or modified,
- e) The owners name and contact information,
- f) CM firm (if applicable) including name and contact information,
- g) Original contract amount/final contract amount (if different please explain, include description of significant contract modifications),
- h) Original contract duration/final duration (if different please explain, include description of significant events/strategies impacting schedule changes)
- i) List names and contacts for each of the major subcontractors managed on each listed project. Please describe specific work performed by others and indicate your relationship with these other firms.

2) **Do you – as a company or among your principal staff – have a minimum of 10 years of PROJECT construction experience within the last 10 years in the following?**

Yes _____	No _____

On a separate sheet of paper, please describe qualifying project experience, including;

- a) Project name and location,
- b) Scope of work performed,
- c) Original contract start date and final completion date,
- d) If managed only, list names of involved sub-contractors,
- e) **If relying on principal staff experience, please list names and individual years of experience.**

3) Do you – as a company or among your principal staff – have 5 years experience in the construction or modification of the following facilities?

Yes _____	No _____

On a separate sheet of paper, please describe qualifying project experience, including;

- f) Project name and location,
- g) Scope of work performed,
- h) Original contract start date and final completion date,
- i) If managed only, list names of involved sub-contractors,
- j) If relying on principal staff experience, please list names and individual years of experience.

4) Do you – as a company or among your principal staff – have 10 years experience in managing or building?

Yes _____	No _____
Yes _____	No _____
Yes _____	No _____

On a separate sheet of paper, please *describe* qualifying project experience, including;

- k) Project name and location,
- l) Scope of work performed,
- m) Original contract start date and final completion date,
- n) If managed only, list names of involved sub-contractors,
- o) If relying on principal staff experience, please list names and individual years of experience.

5) Does your company have field engineers and/or superintendents with a minimum of five years experience in PROJECT work within the last 10 years?

YES _____ NO _____

On a separate sheet of paper, please list names of field engineers and/or superintendents, individual years of experience and their pump station project experience. Please include project start and end dates, as well as each field engineer’s or superintendent’s position and affiliation during each project.

PLEASE PROVIDE COMPANY RESUME AND RESUMES OF PRINCIPAL STAFF IDENTIFIED ABOVE TO DEMONSTRATE REQUIRED EXPERIENCE.

End of Section

APPENDIX A

QUALIFICATION PROTEST PROCEDURES

PROTEST PROCEDURES

Under certain circumstances, an interested party to a procurement may protest to the City of Lodi the Qualifications to bid on a specific project or contract.

All solicitation documents shall include Qualification Protest Procedures, either explicitly or by reference. These procedures are intended to ensure that valid complaints are properly handled and responded to

The term protest is utilized to describe the controversies that arise during the Qualification process as an objection to a decision on Qualification to provide a proposal or bid. The protests are challenges to actual or proposed actions of the contracting officers on specific procurements. These objections are brought by offerors, prospective offerors, or other interested parties who contend that they have been improperly treated in the procurement process. All protests must be submitted in writing.

CITY OF LODI PROTEST PROCEDURES GENERAL CONDITIONS

The City of Lodi's review of any protest will be limited to violations of state or local laws or regulations, violations of the City of Lodi's purchasing procedures, or violations of the City of Lodi's protest procedures or failure to review a complaint or protest.

Protests must be received by the City of Lodi within a reasonable time after the Contractor receipt of notice of non-qualification but no later than fifteen (15) calendar days after the issuance of the non-qualification by the City. All other protests must be received by the City of Lodi within five (5) days of the action on which the protest is based.

The initial protest filed with the City of Lodi shall be in writing and shall:

1. Include the name, address and telephone number of the protester; and the name of a contact person.
2. Identify the number, date and description of the solicitation.
3. Contain a statement of the grounds for protest and any supporting documentation. The grounds for the protest must be supported to the fullest extent feasible. Additional materials in support of an initial protest will be considered only if filed within the time limits specified.
4. Indicate the ruling or relief desired from the City of Lodi.

A protest may be considered, even if the initial filing is late, under the following circumstances:

1. Good cause based on compelling reasons beyond the protester's control, whereby the lateness is due to the fault of the City of Lodi in the handling of his/her protest submission.
2. The City of Lodi determines the protest raised significant issues to a procurement practice or procedure.
3. A court of competent jurisdiction requests, expects or otherwise expresses interest in the City of Lodi's decision.

No formal briefs or other technical forms of pleading or motion are required, but a protest and other submissions should be concise, logically arranged, clear and legible.

Any additional information requested or required by the City of Lodi from the protester, or interested parties shall be submitted as expeditiously as possible, but in no case later than five (5) days after the receipt of such request unless specifically excepted by the City of Lodi.

CONFIDENTIALITY

Materials submitted by a protester will not be withheld from any interested party outside of the City of Lodi or from any Government agency which may be involved in the protest, except to the extent that the withholding of information is permitted or required by law or regulation. If the protester considers that the protest contains proprietary materials which should be withheld, a statement advising of this fact may be affixed to the front page of the protest document and the alleged proprietary information must be so identified wherever it appears.

FURNISHING OF INFORMATION ON PROTESTS

The City of Lodi shall, upon request, make available to any interested party, information bearing on the substance of the protest, including:

1. Any other documents that pertain to the protest, including correspondence with the bidders; and
2. A statement by the City of Lodi explaining its actions and the reasons for them.

A conference on the merits of the protest with members of the City of Lodi Protest Review Panel (defined below) may be held at the request of the protester. The request for a conference should be made in a timely manner so as not to interfere with the resolution of the protest and not later than twenty (20) days after the initial protest was filed.

WITHHOLDING OF AWARD

When a protest has been filed before the opening of bids the City of Lodi will not make an award for five days following its decision on the protest. When a protest has been filed after the award but prior to the execution of a contract, the City of Lodi will not proceed with the execution of the contract prior to the resolution of the protest. Exceptions to the above may occur if the City of Lodi determines that:

1. The items to be procured are urgently required; or
2. Delivery or performance will be unduly delayed by failure to either make the award promptly or to continue with the procurement; or
3. Failure to make prompt award or to continue with the procurement will otherwise cause undue hardship to the City of Lodi or other local, state or federal governments.

PROTEST REVIEW-LEVEL ONE

Upon receipt of a protest, the City Manager will appoint an ad hoc City of Lodi Protest Review Panel to review all relevant materials associated with the protest. The panel will be comprised of three (3) representatives of the City of Lodi appointed by the City Manager; Including the City Department Head, Construction Project Manager, and one other City staff member knowledgeable in the specific project. The Panel shall determine the validity of the protest and what actions will be taken.

The panel will be directed to prepare a report within fifteen (15) calendar days. The Panel will notify the protester and any interested parties of their findings and actions and of the procedures for requesting reconsideration. The report shall include the following as relevant:

1. Copies of all relevant documents;
2. A copy of the Invitation for Bid or Request for Proposal, including pertinent provisions of the specifications.

PROTEST REVIEW-LEVEL TWO

Reconsideration of a decision by the City of Lodi may be requested by the protester or any interested party. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law or fact made.

The request for reconsideration of the City of Lodi Protest Review Panel's decision shall be filed no later than ten (10) days after the Panel issues its written report, and shall be filed with the City Attorney.

Upon receipt of the request for reconsideration, the City Manager shall schedule an informal administrative hearing with the aggrieved party and the City of Lodi Protest Review Panel. The hearing shall be held not later than fifteen (15) days after the receipt of the request for reconsideration. The City Attorney shall issue, in writing, the City of Lodi's final determination of the reconsidered protest within five (5) days of the administrative hearing. The appellant process ends with the City Attorney's decision; however, the aggrieved party may ask the City Council to review the City Attorney's decision. The aggrieved party has those remedies afforded by the state courts, as well.

The City of Lodi may refuse to decide any protest where the matter involved is the subject of litigation before a court of competent jurisdiction.

The City of Lodi shall not be responsible for any protests not filed in a timely manner.

End of Section

RESOLUTION NO. 2010-55

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING A STANDARDIZED QUESTIONNAIRE
FOR BIDDER QUALIFICATIONS AS PROVIDED BY
PUBLIC CONTRACTS CODE 20101

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WHEREAS, Public Contracts Code Section 20101 gives public entities the right to use a Bidder Qualification Questionnaire in order to ensure that prospective bidders have the appropriate experience, qualifications, and financial stability to perform the work for a specific project; and

WHEREAS, the Code requires the Public Agency to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaire and financial statements, in order to determine both the minimum requirements permitted for qualification to bid, and the type and size of the contracts upon which each bidder shall be deemed qualified to bid. The uniform system of rating prospective bidders shall be based on objective criteria. An appeals process is also required to permit bidders to appeal the rating; and

WHEREAS, the City of Lodi questionnaire is comprised from and modeled after an example questionnaire created by the State of California Department of Industrial Relations; and

WHEREAS, the qualification process will typically be used on very large projects or technically-challenging projects where expertise and experience in certain trades is required.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby establish a standardized questionnaire for bidder qualifications as provided by Public Contracts Code Section 20101.

Dated: May 5, 2010

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I hereby certify that Resolution No. 2010-55 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 5, 2010, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk