



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE

May 01, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

39 May 1, 2018

A handwritten signature in black ink, appearing to read "Celia Zavala".

CELIA ZAVALA
ACTING EXECUTIVE OFFICER

ADOPT COUNTY POLICY FOR PREQUALIFICATION POLICY AND PROCEDURES FOR CONSTRUCTION CONTRACTS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

Approval of the recommended actions will adopt the policy and procedures necessary for the County of Los Angeles Department of Public Works to implement the use of a prequalification process to allow for the prequalification of prospective bidders for applicable construction contract solicitations, including low bid, best value, and Job Order Contracts.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the recommended actions are not a project pursuant to the California Environmental Quality Act.
2. Approve the Prequalification Policy and Procedures for Construction Contracts to prequalify prospective bidders and subcontractors for applicable construction contracts as provided under Public Contract Code Section 20101.
3. Delegate authority to the Director of Public Works or his designee to make the determination regarding whether a prequalification should be utilized for a particular construction contract solicitation.

4. Delegate authority to the Director of Public Works or his designee to: (1) advertise the Request for Statement of Qualification for prequalifying prospective bidders and subcontractors using the Prequalification Questionnaire approved and adopted by the Board on March 8, 2017; (2) make such modifications as necessary to the Prequalification Questionnaire based on the technical requirements of each specific contract; (3) review and evaluate all Statements of Qualifications received from prospective bidders applying a uniform system of rating bidders based on objective criteria set forth in the Prequalification Questionnaire; (4) determine a list of prequalified bidders and subcontractors who meet the minimum requirements permitted for qualification to bid; and (5) publish a list of prequalified bidders and subcontractors on Public Works' website permitted to bids on applicable construction contracts.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to authorize the Department of Public Works to use the prequalification process established under Public Contract Code (PCC) Section 20101 to allow for the prequalification of prospective bidders and subcontractors on applicable public works construction contracts. As an initial step to the prequalification process, Public Works will release a standard template Request for Statement of Qualification (RFSQ) requiring each prospective bidder to complete and submit a standardized prequalification questionnaire and financial statement, including a complete statement of the prospective bidder's experience in performing public works projects.

On March 8, 2017, the Board adopted the prequalification questionnaire referenced above, in conjunction with the approval of the Best Value Construction Contracting method, and policy and procedures to be utilized and implemented by Public Works. As explained in the March 8, 2017, Board action, the prequalification questionnaire is required for Best Value Construction Contracting, but it may also be used for other low bid construction contracting pursuant to PCC Section 20101.

The prequalification questionnaire consists of a uniform rating system of bidders based on objective criteria that establishes minimum requirements for prequalification to bid in compliance with PCC Section 20101.

The policy for Prequalification Policy and Procedures for Construction Contracts is enclosed (Enclosure A) along with the standard template RFSQ (Enclosure B).

Public Works will seek input from the Chief Executive Office and/or tenant departments regarding the use of prequalification on a particular low bid or Job Order Contract solicitation. The determination to utilize prequalified may be based upon criteria such as, but not limited to, whether the project or contract requires specialized construction experience or licensure; the project is required to be completed within a specified time frame in order for the County to meet legal obligations; and/or the project is being conducted within an operational facility and the familiarity of the general contractor and/or subcontractors with the type of construction being performed is essential to protecting the health and safety of employees and the public.

Upon determination that using a prequalification process for contractors and/or subcontractors is appropriate for a particular contract, Public Works will take the following steps:

- Prepare the RFSQ and rating criteria using the prequalification questionnaire template approved by the Board on March 8, 2017, making such modifications as necessary based on the technical requirements of the specific contract.

- Advertise the RFSQ to prospective bidders in accordance with Government Code Section 6062 in a daily newspaper, or pursuant to Government Code Section 6066 in a general circulation published in the County.
- Evaluate the RFSQ applying a uniform system of rating bidders, based on objective criteria, in order to determine a list of prequalified bidders who meet the minimum qualification requirements to bid.
- Publish the prequalified list of bidders by posting on Public Works website.
- Allow prospective bidders to dispute their proposed prequalification rating. Public Works will hold a rebuttal hearing to give prospective bidders the opportunity to rebut any evidence used as a basis for their disqualification. Bidders who have availed themselves of the rebuttal hearing and still are not recommended for prequalification will be informed of the opportunity to appeal the decision to the Board.
- Publish a final list of prequalified bidders on Public Works' website permitted to submit bids for the applicable construction projects.
- Public Works will prepare the project bid documents consisting of project plans and specifications prepared by duly licensed architectural/engineering professionals employed or retained by the County. Public Works will recommend to the Board to approve and adopt the project, advertise the bid documents, and award to the lowest responsive and responsible bidder from the bidders listed on the prequalified list.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy II.2, Support the Wellness of our Communities, and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability. The recommended actions with the Board approved prequalification questionnaire template will enable the delivery of capital/construction projects to be done accurately, efficiently, timely, and in a responsive manner to support Public Works in meeting these goals.

FISCAL IMPACT/FINANCING

Every contract will be evaluated on a case by case basis to assess any fiscal impacts. All costs will be funded by the specific capital project budget or appropriate operation and special fund(s).

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Approval of this Prequalification Policy and Procedures will replace the prior policy approved by the Board on November 13, 2001. Prequalification of contractors and subcontractors promotes better performance and greater quality on construction projects.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not a project pursuant to California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the

CEQA Guidelines. The proposed action to adopt a prequalification process policy is an administrative activity of government, which will not result in direct or indirect changes to the environment. Public Works will return to the Board as necessary for consideration of appropriate environmental documentation pursuant to CEQA before the approval of any activities that constitute a project under CEQA.

CONTRACTING PROCESS

Any prequalified list of bidders established through the process described above, and in accordance with PCC Section 20101 shall be valid for 1 calendar year following the date of initial prequalification.

In addition, the prequalification process may be utilized to prequalify or disqualify subcontractors. As indicated above, the prequalification process will be executed by requiring prospective bidders to complete the prequalification questionnaire, which shall include, at a minimum, all of the following:

- Information on the current organization and corporate structure of the bidder.
- Evidence that the bidder has completed or demonstrated the experience, competency, and capability to complete projects of similar size, scope, complexity, and schedule.
- Information on the history and status of required licenses, credentials, and registrations, including information on the revocation or suspension of same.
- Evidence that establishes that the bidder has the capacity to obtain required payment and performance bonding, liability insurance, and errors and omissions insurance.
- Records on any past serious or willful violation of State and Federal occupational safety and health acts assessed against or settled with bidder, and information concerning workers' compensation experience history and worker safety program.
- Information concerning any debarments, removal, or disqualification from any Federal, State, or local government public works project, or findings that the bidder or key personnel were found to be not responsible.
- Information detailing any instance where the bidder defaulted on construction contracts.
- Information detailing any instance where bidder violated contractor State licensing laws.
- Information related to any bankruptcies, including information concerning any work completed by a surety.
- Information concerning judgment or settlement of claims in excess of \$50,000 in the preceding 5 years.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Not applicable.

CONCLUSION

Please return one adopted copy of this Board letter to the Department of Public Works, Business Relations and Contracts Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:JQ:ss

Enclosures

c: Chief Executive Office (Chia-Ann Yen, Capital
Programs Division)
County Counsel
Executive Office



PREQUALIFICATION POLICY AND PROCEDURES
FOR CONSTRUCTION CONTRACTS

MAY 2018

PURPOSE

Public Contract Code (PCC) Section 20101 was enacted to allow for the prequalification of prospective bidders on public works construction projects by requiring each prospective bidder for a contract to complete and submit a standardized questionnaire and financial statement in a form specified by the County of Los Angeles (County), including a complete statement of the prospective bidder's experience in performing public works projects.

PCC Section 20101 also requires the County to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements in order to determine 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.

This prequalification process requires the County to allow prospective bidders to dispute their respective prequalification rating prior to the closing time of receipt of bids.

This prequalification process may be used for applicable construction contract solicitations, such as low bid and job order contracts (JOC), and is a requirement for best value construction contracts.

PROCESS OVERVIEW

When applicable, the Department of Public Works (Public Works) will work with tenant departments and/or Chief Executive Office (CEO) to determine whether prequalification should be utilized on a particular low-bid construction project, JOC, or a best value construction contract. If such determination is made, Public Works shall take the following steps:

- 1) Prepare the Request for Statement of Qualifications (RFSQ) and rating criteria using the Prequalification template approved by the Board on March 8, 2017.
- 2) Advertise the RFSQ to prospective bidders in accordance with Government Code section 6062 in a daily newspaper, or pursuant to Government Code section 6066 in a general circulation published in the county.
- 3) Evaluate the Statement of Qualifications (SOQ) applying a uniform system of rating bidders, based on objective criteria, in order to determine a list of prequalified bidders.
- 4) Publish the prequalified list by posting on Public Works Website.
- 5) Allow prospective bidders to dispute their proposed prequalification rating.

GOALS AND OBJECTIVES

The County seeks to enhance the delivery of highly complex construction projects by using contractors, when appropriate, who can demonstrate their ability to meet a predetermined set of qualifications essential to the completion of those projects.

The prequalification process may be used when it is critically important to the success of the project that the work be performed by a bidder who has satisfactorily completed similar work. In determining whether prequalification is appropriate, Public Works, CEO and/or applicable County department should consider whether the magnitude, complexity and/or other requirements for the successful completion of the proposed project warrants the use of the prequalification process. The criteria to consider using the Prequalification Process for general contractors and/or subcontractors should include, but is not limited to, the following (the reference to a "project" as set forth below, applies to individual projects, under a Job Order Contract):

- 1) The magnitude of the construction work is beyond the experience of all but a limited number of firms;
- 2) The project includes specialized construction beyond the experience of all but a limited number of firms;
- 3) The project requires the general contractor and/or subcontractors to have detailed knowledge of and/or experience with certain codes and legal requirements that impact the design and construction of the project;
- 4) The project requires the general contractor and/or subcontractors to have knowledge of and/or experience with constructing projects in accordance with certain permitting and inspecting agencies;
- 5) The project is required to be completed within a specified time frame in order for the County to meet legal obligations; and/or
- 6) The project is being conducted within an operational facility and the familiarity of the general contractor and/or subcontractors with the type of construction being performed is essential to protecting the health and safety of employees and the public.

ADMINISTRATION

As described herein, Public Works will prepare and advertise RFSQ(s) to determine list(s) of prequalified bidders in order to solicit bids from these qualified bidders for certain projects.

IMPLEMENTATION

Public Works will prepare solicitation document containing two parts: a Part A RFSQ; and a Part B Invitation for Bids (IFB). Part A will be used to prequalify the bidders, and only prequalified bidders will be invited to submit sealed bids in response to Part B. The Prequalification process will proceed as follows:

A. Preparation of RFSQ

Upon determination by Public Works that using the Prequalification Process for construction contractors and/or subcontractors is appropriate for a particular project, Public Works shall prepare Part A RFSQ using the Prequalification template approved by the Board on March 8, 2017, making such modifications necessary for the particulars of the specific project(s). The minimum requirements permitted for qualification must have

a direct bearing on the bidder's ability to perform the specified work satisfactorily. The criteria used to establish minimum requirements must be objective.

The RFSQ will contain all the elements set forth in Attachment A, such as:

- A description of the appeals process
- Significant prequalification dates
- An overview of the project
- The date, time, and location the completed questionnaires are due
- A requirement that the RFSQ be verified under oath
- A statement that the RFSQ responses will not be deemed public records

B. Preparation of Prequalification Questionnaire

The questions must have a direct bearing on a bidder's past performance, including the bidder's demonstrated attributes of trustworthiness, quality, fitness, capacity, and experience. This should not be interpreted to mean that if the bidder, in the past, has filed claims or entered into litigation that the bidder is not trustworthy. All the attributes of the "responsible bidder" must be rated objectively and must be applied uniformly to all prospective bidders. The Prequalification Questionnaire shall include, at a minimum, all of the following:

- 1) Information on the current organization and corporate structure of the bidder.
- 2) Evidence that the bidder has completed or demonstrated the experience, competency, and capability to complete projects of similar size, scope, complexity, and schedule.
- 3) Information on the history and status of required licenses, credentials, and registrations, including information on the revocation or suspension of same.
- 4) Evidence that establishes that the bidder has the capacity to obtain required payment and performance bonding, liability insurance, and errors and omissions insurance.
- 5) Records on any past serious or willful violation of State and Federal occupational safety and health acts assessed against or settled with bidder, and information concerning workers' compensation experience history and worker safety program.
- 6) Information concerning any debarments, removal, or disqualification from any Federal, State, or local government public works project, or findings that the bidder or key personnel were found to be not responsible.
- 7) Information detailing any instance where the bidder defaulted on construction contracts.
- 8) Information detailing any instance where bidder violated contractor state licensing laws.
- 9) Information related to any bankruptcies, including information concerning any work completed by a surety.
- 10) Information concerning judgment or settlement of claims in excess of \$50,000 in the preceding 5 years.

C. Advertisement of Part A - Request for Statement of Qualifications

The Department shall advertise Part A to prospective bidders in accordance with Government Code section 6062 in a daily newspaper, or pursuant to Government Code section 6066, in a general circulation published in the County. The advertising period for the project must begin far enough in advance of the anticipated bid opening date in order to have adequate time for prequalification process approval, prequalification advertising, evaluation of qualifications, and rebuttal of prequalification status.

Public Works will prepare a draft prequalification advertisement. The advertisement will include at a minimum:

- 1) A statement that prospective bidders must submit a completed prequalification questionnaire.
- 2) A brief description of the work, including contract type, type of contractor's license, project type, project size, estimated cost of the work, major characteristics of construction, estimated start date and duration of construction, and specialty work involved in the project. The description needs to be in sufficient detail so a prospective bidder can determine whether to complete the prequalification questionnaire.
- 3) Facility location and type, estimated gross square footage, range of estimated construction cost, and any requirements related to the Department's plan for community and small business outreach;
- 4) Where and when the RFSQ may be obtained.
- 5) Where and when to submit completed prequalification statements. A minimum of 14 calendar days from the date of issuance of the RFSQ should be allowed for the bidders to return completed questionnaires.
- 6) A statement that the completed questionnaires are not public record documents.
- 7) The date, time and location of any voluntary or mandatory pre-submission Prequalification conference.

D. Evaluation of Part A Submissions

In order to determine a list of prequalified bidders, the Public Works shall evaluate the SOQ applying a uniform system of rating bidders, based on objective criteria.

Public Works will establish an evaluation committee consisting of professionals who are qualified to evaluate the applicable sections of the SOQ. The evaluation committee will apply the County's adopted evaluation methodology to determine a score.

Based on the evaluation committee's score, plus the scoring from the other portions of the SOQ, a score will be assigned to each bidder to determine whether that bidder meets the minimum threshold score for inclusion on the prequalified list.

E. Publishing the Prequalified List

Upon completion of the evaluation process and the approval of the Director or his designee, Public Works will notify each prospective bidder whether they are proposed to be granted prequalification status, and post the prequalified list on Public Works website. The evaluator rating forms are not provided to prospective bidders except when disclosure is required by law.

F. Dispute of Proposed Prequalification List

In notifying bidders that they have been not been prequalified, Public Works will also notify the prospective bidders that they have the right to dispute the determination, and they have five working days to provide Public Works written notice that the bidder intends to do so.

If a prospective bidder disputes the prequalification determination, Public Works will provide notification to the prospective bidder in writing of the reason(s) prequalification status was not recommended. All evidence supporting the decision will be disclosed to the bidder.

The prospective bidder will be given the opportunity to rebut any evidence that resulted in the bidder not receiving a prequalification recommendation. The bidder will be allowed to present evidence not previously provided as to why the bidder should be recommended for prequalification status.

The Director or his designee will select a hearing officer to hear the bidder's prequalification rating rebuttal. The hearing officer will consider the evidence provided by the bidder(s) and Public Works and make a prequalification recommendation.

The bidder(s) will be notified of the hearing officer's determination. Bidders who have availed themselves of the rebuttal hearing and still are not recommended for prequalification will be informed of the opportunity to appeal the decision to the Board. If a bidder chooses not to avail itself of this process, the original proposed prequalification rating will be adopted without further proceedings.

G. List of Prequalified Bidders

Public Works will request that the Board approve the list of prequalified bidders. Any prequalification list shall be valid one calendar year following the date of initial prequalification. Public Works may elect to use multiple prequalification lists.

FOR THE PREQUALIFICATION OF SUBCONTRACTORS

This prequalification process shall also be followed for the prequalification of subcontractor(s). However, subcontractors will not be listed in the advertisement inviting bids for the work. The bid documents for the general contractor will include a list of pre-

qualified subcontractors who have been granted prequalification status. The bid documents must state that contractors can only use subcontractors who have been prequalified by the department for specific portions of the work.

PART B – INVITATION FOR BIDS

Bids in response to the Part B may only be received or evaluated from prequalified bidders.

ENCLOSURE B

**REQUEST FOR STATEMENT OF QUALIFICATIONS
TEMPLATE**

**PROJECT NAME
PROJECT ADDRESS**

SPECS. XXXX; C.P. XXXXX

DATE: XXXXXX

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

REQUEST FOR STATEMENT OF QUALIFICATIONS
PROJECT NAME

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EXHIBITS

- A. Part A - Prequalification Questionnaire
- B. Section 00 05 00, Agreement (Sample)
- C. Section 00 06 10, Bond for Faithful Performance
- D. Section 00 06 20, Payment Bond for Labor and Materials
- E. Section 00 07 00, General Conditions
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- G. Construction Site Map
- H. Section 00 09 12, Local and Targeted Worker Hire Program

ATTACHMENTS - (REQUIRED CERTIFICATION FORMS)

- Section 00 03 10 Best Management Practices
- Section 00 03 11 Construction and Demolition Debris Recycling Requirements
- Section 00 03 12 Insurance Requirements
- Section 00 04 10 Bid Bond
- Section 00 04 30 List of Subcontractors
- Section 00 04 38 Request for Local SBE Preference Program Consideration
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REQUEST FOR STATEMENT OF QUALIFICATIONS

PROJECT NAME

1 INTRODUCTION AND OVERVIEW

1.1 General:

The County of Los Angeles, Department of Public Works (Public Works) is seeking to prequalify Bidders pursuant to Public Contract Code Section 20101 for the construction of the **PROJEC NAME AND ADDRESS**.

Those Bidders who are prequalified during this process will be eligible to submit bids for the construction of this Project. The Contract will be awarded to the prequalified, responsible bidder with the lowest responsive bid.

The successful Bidder will be selected according to the selection process described herein in Section 3 and the evaluation criteria described in Section 5. This process includes two parts: Part A, Statement of Qualifications (SOQ), and Part B, Invitation For Bid (IFB). All interested Bidders are invited to submit a response to the Part A SOQ. Only those Bidders who are prequalified by the County after review of the Part A SOQ submittals, will be invited to submit a response to the Part B IFB.

Public Works intends to issue a Low Bid construction contract to **BRIEF DESCRIPTION OF PROJECT SCOPE**.

The purpose of the Part A SOQ is to provide the County with information to prequalify the Bidders and to determine if a Bidder is responsible and meets the minimum qualifications to satisfactorily perform the proposed work. Used in this context, the term Responsible has reference to trustworthiness, as well as quality, fitness, capacity, experience, and ability of the Bidder to satisfactorily perform the work.

The purpose of the Part B IFB is for the County to select a responsible Bidder with the lowest responsive bid.

1.2 Project Overview:

The proposed project is to **DESCRIPTION OF PROJECT SCOPE**.

1.3 Definitions:

1.3.1 **Bid Document** means Part A Request for Statement of Qualifications (RFSQ) and Part B IFB.

- 1.3.2 **Bidder** means a partnership, corporation, or other legal entity that is able to provide appropriately licensed construction pursuant to a Project Manual.
- 1.3.3 **County** means the County of Los Angeles is acting on behalf of the County of Los Angeles and/or any public entity for which the Board of Supervisors is the governing body.
- 1.3.4 **Evaluation Committee** means a committee assembled by Public Works to evaluate responses to the Part A RFSQ.
- 1.3.5 **Prequalification** means a process by which a bidder is deemed sufficiently experienced, competent, and capable as to be prequalified to submit a bid in response to the Bid Document.
- 1.3.6 **Project Manual** means the Manual prepared for the project which includes, but is not limited to:
- Bid and Contract Requirements
 - Conditions of the Contract
 - Technical Specifications
- 1.3.7 **Responsible Official** means a person who is assigned by the County to review the merits of any protests and will provide a written decision of the findings in accordance with the Countywide Construction Contracting Policy Guidelines, No. 05-04, "Bid Protest."

Definitions are also provided in **Exhibit F**, General Conditions, to clarify the terms used in the IFB document.

1.4 RFSQ and IFB Schedule:

A tentative schedule is provided for information purposes only:

- DATE** Request for Statement of Qualifications/Statement of Qualifications (RFSQ/SOQ) issue date
- DATE** Part A - Pre-submittal conference/site visit
- DATE** Part A - Statement of Qualifications submittals due to the County
- DATE** Part A - Notification of Prequalified Bidders
- DATE** Part B - Invite Prequalified Bidders to submit bids.

- DATE** Mandatory Pre-Submittals Conference/site visit
- DATE** Part B - Bid Submittals due to the County
- DATE** Notification of lowest bid Contractor Determination
- DATE** Award of Contract (Tentative)

The County reserves the right to revise the **RFSQ and IFB schedule at any time during the selection process.**

1.5 Costs of Part A (SOQ) and Part B (IFB)

- 1.5.1 The County shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submissions or presentations made in response to this Part A - SOQ.
- 1.5.2 The County shall not in any way be liable or responsible for any costs incurred in connection with the preparation or submissions made in response to the Part B - IFB.

1.6 County's Ownership of Materials and Equipment

Bidder acknowledges and grants to County, a perpetual, unlimited, royalty-free, nonexclusive and irrevocable license for County (including without limitation its employees, Contractors, and agents) to use, copy, modify, and create derivative works of all processes, materials, documents, reports, and other information of all types, including computer models developed by the Bidder for the project, that is submitted, provided, or otherwise disclosed by Bidder as a result of this RFSQ. This grant of license includes, but is not limited to, rights to use any know-how disclosed or otherwise provided by Bidder or any of its Subcontractors; rights to practice any inventions owned, controlled, or licensed by Bidder; and rights to use, copy, modify, and create derivative works based on, incorporated in, or derived from, the materials, documents, reports and other information of all types. Bidder also acknowledges that any and all associated intellectual property rights for any derivative works created by the County (including without limitation its employees, Contractors and agents) shall be owned by the County.

1.7 Qualifications of Bidders

- 1.7.1 **The Bidder must have a valid license issued by the Contractors' State License Board for the type of work proposed to be performed by the Bidder. Describe any further requirements.**

1.7.2 The Bidder shall maintain the required licensure throughout the term of the contract.

1.8 Prohibition from Involvement in Proposal Process

In accordance with Board Policy No. 5.090, Consultant Independence, County Board of Supervisors has adopted a Countywide policy that prohibits any person or any firm or any subsidiary of a firm (collectively "firm") from submitting a bid or proposal in any County solicitation process where the person or firm, assisted in the development or preparation of the solicitation document(s).

These Consultants include, but are not limited to, the following firms or any individuals employed by these firms:

- Firm
- Firm

Bidders must not contact the firms, or any individual employed by the firms listed above. All contacts shall be through the County's Contract Administrator, listed in Section 1.9 below. Contact with any firms, or anyone employed by the firms listed above, including principal, manager, or employee during the prequalification and bid period, may be cause for immediate disqualification of the Bidder.

Neither Bidder nor any subsidiary of or Subcontractor to Bidder shall participate in any way in any future solicitation conducted by County that includes or is based upon any solicitation document that is developed as a result of the services rendered by Bidder under this Agreement. As this prohibition applies to Subcontractors of the Bidder, Bidder shall notify any Subcontractors providing services under this Agreement of this prohibition before they commence work under this Agreement. Any response to a solicitation submitted by Bidder or by any subsidiary of or Subcontractor to Bidder in violation of this provision shall be rejected by County. This provision shall survive the expiration or other termination of this Agreement.

1.9 Contact with Public Works Employees

As of the issue date of this RFSQ and continuing until the date of award of Contract, all Bidders are specifically directed not to hold meetings, conferences, or technical discussions regarding the RFSQ with County employees, unless otherwise requested by the Contract Administrator. During this RFSQ period, questions regarding this RFSQ may be directed in writing to, or faxed to, the Contract Administrator identified on the following page:

Contract Administrator: XXXXXX

County of Los Angeles Department of Public
Works Business Relations and Contracts Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Phone (626) XXX-XXXX
E-mail: XXXXX@dpw.lacounty.gov

Questions must be received seven (7) calendar days prior to each submittal deadline. Any questions received within seven (7) calendar days of the deadline may not be considered.

Contact with any other County official or employee during the RFSQ period regarding this RFSQ may be cause for immediate disqualification of the Bidder.

1.10 Complete Sets of Project Manual

Complete sets of the Project Manual shall be provided as part of the Part B IFB and shall be used in preparing the Part B IFB. The County does not assume any responsibility for errors or misinterpretations resulting from the use of an incomplete Project Manual.

2 PROJECT SCHEDULE AND BUDGET

2.1 Project Schedule

The anticipated Contract Time for this Project is XXX Calendar Days, as defined in Section 00700, General Conditions, of the Project Manual and Section 01010, Project General Requirements, of the Project Manual.

2.2 Budget

2.2.1 The estimated construction cost range is \$XXXXXX to \$XXXXXX.

3 SELECTION PROCESS

3.1 Basis of Award

The County will award the contract to the responsible Bidder with the lowest responsive bid in pursuant to Public Contract Code Section 20128.

3.2 Description of Two-Part Selection Process

The selection process is comprised of two parts: this Part A RFSQ, requesting all interested Bidders to complete a Statement of Qualifications

(SOQ), which will be used to prequalify Bidders pursuant to Public Contract Code Section 20101; and a Part B IFB, inviting prequalified Bidders to submit bids. The Part A RFSQ is open to all interested parties. The Part B IFB is limited to the Bidders prequalified during Part A.

3.3 Evaluation of Part A SOQ for Prequalification

The County will assemble an Evaluation Committee, which will review and score the Part A SOQs. The Evaluation Committee will review the SOQs based upon the evaluation criteria defined in Section 5 of this RFSQ. Those SOQs that do not meet the RFSQ requirements will be disqualified from further consideration. Those SOQs that meet the RFSQ requirements will be deemed prequalified. These prequalified Bidders will then be invited to submit competitive bids in response to Part B IFB.

3.4 County Request for Clarification of SOQ

The Evaluation Committee may request clarification of any portion of a submitted SOQ. A Bidder's response to such a request must be in writing and shall become part of the Bidder's SOQ. If the Bidder fails to respond within the time indicated in the request, the Bidder may be deemed nonresponsive and be disqualified from further consideration.

3.5 Non-Biased Evaluation of SOQ

The SOQ prequalification process shall be conducted without regard to race, creed, color, or gender.

3.6 County's Right to Reject SOQ or Waive Minor Discrepancies

Public Works, at its sole discretion, reserves the right to reject any and all SOQ's or waive minor deficiencies, irregularities, or technicalities in any SOQ, if determined to be in the County's best interest.

3.7 Part A Pre-Submittal Conference

A Pre-Submittal Conference for Part A will be held at the **Department of Public Works' Headquarters, 900 South Fremont Avenue, Alhambra, California 91803**, on Month, day, year at time am, to review the SOQ and answer questions from prospective Bidders.

3.8 Creation of a List of Prequalified Bidders

The Evaluation Committee will score the SOQ responses in accordance with the scoring criteria noted in each section of the SOQ. Based on that scoring, the Evaluation Committee will create a list of prequalified Bidders.

3.9 Bidder's Right to Dispute Not Being Prequalified

Bidders who fail to meet the minimum required prequalification threshold may dispute that determination by providing Public Works written notice of their intention to rebut within five (5) working days of receipt of notification of the Evaluation Committee's findings in accordance with Section 6.9.

3.10 Announcement of Prequalified Bidders

A list of prequalified Bidders will be announced and posted publicly by Public Works.

3.11 Bidder's Required to Commit to Submit Part B

Prior to the County's issuance of invitations to the prequalified Bidders to submit bids for the Part B IFB, the prequalified Bidders may be required to reconfirm in writing their intent to submit a response to the Part B IFB.

3.12 Overview of Part B IFB Selection Process

3.12.1 Public Works will solicit the submission of low bids (Part B IFB) from the Bidders listed on the prequalified list.

3.12.2 A **[mandatory/optional]** Pre-Submittal Conference and site visit will be held to answer questions concerning the IFB at a designated date and time. **[Bidders must attend.] [Attendance is optional.]**

3.12.3 Public Bid Opening

- a. The sealed bids shall be opened publicly, read aloud, and the amount of the bids shall be made available after opening the bids. The public opening of bids will be announced on Public Works' "Business Opportunities" website:

<http://dpw.lacounty.gov/general/contracts/opportunities/>

two working days prior to the bid opening date.

- b. A preliminary list with bid results will be posted on the same day as the public opening of bids on the Department of Public Works website:

<http://dpw.lacounty.gov/general/contracts/opportunities/>

The Prequalification list shall be valid for one year from the date of posting.

3.13 Contract Award

- 3.13.1 If the County determines to award a contract, the contract shall be awarded to the prequalified, responsible Bidder with the lowest responsive bid. The Board of Supervisors or the Director of Public Works reserves the right to reject any or all bids or to waive technical or inconsequential errors or discrepancies in bids submitted.
- 3.13.2 The Board shall have the right to delay the award of the contract for 120 days after the submittal of the Part B IFB unless a longer period is mutually agreed upon by the County and Bidders.
- 3.13.3 Upon notification from Public Works, the prequalified, responsible Bidder, with the lowest bid will be required to deliver within fourteen (14) calendar days to the offices of Public Works certificate(s) issued by the insurance carrier(s), payment and performance bonds, and three (3) signed and notarized originals of the Contract. Upon receipt of the requested documents set forth herein, the County will execute and issue the Contract to the Bidder followed by a Notice to Proceed.

4 SOQ SUBMISSION REQUIREMENTS

The responses to this RFSQ must be made according to the requirements set forth in this section, both for content and for sequence. Noncompliance with these requirements or the inclusion of conditions, limitations, or misrepresentations, may be cause for rejection of the SOQ. Submittals shall be addressed and delivered to:

CONTRACT ADMINISTRATOR: XXXXX

County of Los Angeles Department of Public Works
Cashier's Office
900 South Fremont Avenue, Mezzanine Level
Alhambra, California 91803-1331

Submittals in response to this RFSQ must be received by the submittal date indicated in the cover letter.

SOQs RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.

4.1 Part A SOQ Package

4.1.1 Responses to RFSQ must be submitted in accordance with the following:

- Complete all requested information in SOQ

- Sign and date the Commitment to Bid.
- Sign and date the Oath of Truthfulness.
- Submit six (6) complete bound copies of the SOQ
- Submit one (1) electronic copy of the SOQ in PDF format (submitted on a flash drive or DVD.)

4.1.2 The SOQ comprises six (6) sections as described below:

- Section 0: Requests contact information
- Section 1: Addresses the essential requirements necessary for prequalification for this project.
- Section 2: Addresses the Los Angeles County required certifications necessary to provide services to the County.
- Section 3: Addresses the organization, history, organizational performance, compliance with civil and criminal laws, and safety record of the Bidder.
- Section 4: Provides the opportunity for the Bidder to demonstrate experience with similar types of projects, along with an opportunity to highlight other positive information that the Bidder deems beneficial to the project and should be considered by the County.
- Section 5: Commitment to Bid: The Bidder must certify that it will submit a bid in response to Part B IFB for the Project, if prequalified.
- Section 6: Oath of Truthfulness: The Bidder must declare under penalty of perjury under the laws of the State of California, that the information provided in the SOQ is correct.

4.2 Part B IFB

The IFB will be issued only to those Bidders who have been prequalified by the Evaluation Committee based on the responses provided in the SOQ.

5 EVALUATION CRITERIA

5.1 SOQ Questionnaire

5.1.1 All Bidders will respond to the RFSQ by completing all sections of the SOQ Questionnaire attached as **Exhibit A**. The SOQ submittals will be screened for format and completeness. Bidders will be deemed responsive if they provide all required information in the SOQ Questionnaire. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be deemed nonresponsive and disqualified from further consideration.

5.1.2 The minimum threshold score for prequalification under the RFSQ for this Project is **XXX** (out of a total **XXX** maximum points).

5.1.3 Sections 1 through 6 of the SOQ Questionnaire will be evaluated according to the following criteria:

- Section 1 - Essential Requirements for Prequalification

All questions in this section are Pass/Fail. Bidder will be immediately disqualified if the answer to any of questions 1.1 through 1.5, including any subparts (i.e., 1.2a, 1.2b, or 1.2c) is "No". Bidder will be immediately disqualified if the answer to any of questions 1.6 through 1.9 is "Yes".

- Section 2 - Los Angeles County Required Certifications

All questions in this section are Pass/Fail. Bidder must affirm that it has reviewed all County forms listed in this Section, and agree to complete and submit all such forms as part of its bid if invited to submit a bid. Failure to confirm a willingness to provide required certifications will be cause for disqualifying the Bidder as nonresponsive.

- Section 3 - Organization, History, Organizational Performance, Compliance with Civil and Criminal Laws, and Safety Records.

Certain questions in this section are only intended to obtain information from the Bidder and will be reviewed accordingly. The remaining questions in this section are intended for scoring purposes and will be scored according to the point scale following each question as noted in the SOQ Questionnaire.

- Section 4 - Experience and Other Qualifications

All questions in this section are intended for scoring purposes and will be scored according to the point scale specified following each question as noted in the SOQ Questionnaire.

- Section 5 - Commitment to Bid

Bidder must complete and sign this section. Bidder will be immediately disqualified as nonresponsive if this section is not completed and signed.

- Section 6 - Oath of truthfulness

Bidder must complete and sign this section. Bidder will be immediately disqualified as nonresponsive if this section is not completed and signed.

5.1.4 All Bidders that have not been disqualified and that have met the minimum threshold score requirement established in 5.1.2 will be deemed prequalified and will be invited to submit a Bid in response to the IFB upon notification from Public Works.

5.1.5 The contract will be awarded to the prequalified, responsible Bidder with the lowest, responsive bid.

6 RFSQ GENERAL CONDITIONS

6.1 General Conditions:

This RFSQ is a procedure to prequalify prospective Bidders only, and is neither intended, nor to be construed as, an offer to enter into an agreement or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule, or regulation. Thus, Public Works reserves the unqualified right to reject any or all submissions for any reason.

6.2 Public Works' Responsibilities:

Public Works is responsible only for that, which is expressly stated in this RFSQ. Public Works is not responsible for, and shall not be bound by, any representations otherwise made by any individual acting or purporting to act on its behalf.

6.3 Truth and Accuracy of Representations:

Substantially false, misleading, incomplete, or unresponsive statements and/or failure to adhere to the format herein described may be sufficient cause for rejection. The evaluation and determination of the fulfillment of the above requirement shall be in County's sole judgment and shall be final.

6.4 Acceptance of Terms and Conditions:

Bidders understand and agree that submittal of an SOQ will constitute acknowledgment and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFSQ, including any attachments and exhibits herein. Any and all parts of the submitted SOQ may become part of any resultant contract between the selected Bidder and the County.

6.5 Public Works' Changes to RFSQ:

Public Works reserves the right to interpret or change any provisions of this RFSQ at any time prior to the SOQ submittal date. Such interpretations or changes shall be in the form of addenda/notice to this RFSQ. Such addenda/notice will become part of this RFSQ and may become part of any resultant contract. Such addenda/notice will be made available to each person or organization who has registered through the Department of Public Works' "Do Business With Public Works" website for this RFSQ at <http://dpw.lacounty.gov/general/contracts/opportunities/>. Should such addenda/notice require additional information not previously requested, a Bidder's failure to address the requirements of such addenda/notice may result in the Bidder not being considered.

Public Works, at its sole discretion, may determine that a time extension is required for submittal of SOQs, in which case an addendum/notice shall indicate the new SOQ submittal date.

6.6 Modification and Withdrawal of SOQs

SOQs may be modified or withdrawn by an appropriate document duly executed (in the manner that a SOQ must be executed) and delivered to the place where SOQs are to be submitted or by a Bidder's representative with proper identification and verification, at any time prior to the closing time for receipt of SOQs.

6.7 Consistency with Laws

Any agreement entered into by the Bidder shall be consistent with applicable federal, state, and local laws.

6.8 Notice to Proposers Regarding the Public Records Act

Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, at such time as (a) with respect to the recommended bidder's/proposer's bid/proposal, Public Works completes contract negotiations and obtains a letter from an authorized officer of the recommended bidder/proposer that the negotiated contract is a firm offer of the recommended bidder/proposer, which shall not be revoked by the recommended bidder/proposer pending the Department's completion of the process under the applicable protest policy as set forth in this RFSQ and approval by the Board of Supervisors and (b) with respect to all other Bidders/proposers, Public Works recommends the recommended bidder/proposer(s) to the Board and such recommendation appears on the Board agenda, bids/proposals submitted in response to this solicitation become a matter of public record, with the exception of those parts of each bid/proposal, which are justifiably defined by the bidder/proposer as business or trade secrets, and plainly marked as "Trade Secret," "Confidential," or "Proprietary."

The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. **A blanket statement of confidentiality or the marking of each page of the bid/proposal as confidential shall not be deemed sufficient notice of exception. The Bidders/proposers must specifically label only those provisions of their respective bid/proposal, which are "Trade Secrets," "Confidential," or "Proprietary" in nature.**

In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "confidential," "trade secrets," or "proprietary," Proposer agrees to defend and indemnify County from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the Public Records Act request.

6.9 Protest Policy Review Process

Bidders who fail to meet the minimum required prequalification threshold may dispute that determination by providing Public Works written notice of their intention to rebut within five (5) working days of receipt of notification of

the Evaluation Committee's findings. Failure of the Bidder to provide Public Works written notice of intent to rebut the original decision within that timeframe will result in a waiver of all rights to rebut. The process will involve the following steps:

- 6.9.1 Upon request of the Bidder, Public Works will provide written notification to the Bidder of the basis for the Bidder's disqualification, including the evaluation documents and any supporting evidence that has been received from others or adduced as a result of an investigation.
- 6.9.2 Within five (5) working days of receipt of notification of the Evaluation Committee's findings, Bidder provides written notice to Public Works of its intent to rebut the Evaluation Committee's determination.
- 6.9.3 Public Works schedules an informal hearing and notifies the Bidder of the time and place for that hearing. A County representative who was not involved with the evaluation process shall preside at the hearing as the Hearing Officer. A representative of the Evaluation Committee shall attend the hearing and may respond to the Bidder's rebuttal.
- 6.9.4 Within five (5) working days before the scheduled hearing date, Bidder shall provide to Public Works any evidence it intends to present at the hearing to rebut the Evaluation Committee's determination.
- 6.9.5 At the hearing, the Bidder will be given an opportunity to explain the basis for its rebuttal. The representative of the Evaluation Committee may respond to the Bidder's rebuttal, and the Hearing Officer may ask questions of both parties.
- 6.9.6 After the hearing, the Hearing Officer shall render a written recommendation to Public Works regarding the Bidder's rebuttal.
- 6.9.7 Public Works will render a determination on the Bidder's protest and inform the Bidder of that determination. Public Works will also inform the Bidder of its right to appeal to the Board of Supervisors.

6.10 County of Los Angeles Lobbyist Ordinance

The County has enacted an ordinance regulating the activities of persons who lobby County officials. This Ordinance, referred to as the Lobbyist Ordinance, defines a County lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the

Ordinance can be found in County Code, Chapter 2.160. In effect, each person, corporation, or other entity who seeks a County permit, license, franchise, or contract must certify compliance with the Ordinance. As part of this solicitation process, it is the responsibility of each Bidder to review the Ordinance independently as the text of said Ordinance is not contained within this RFSQ. Thereafter, each person, corporation, or other entity submitting a response to this RFSQ must certify that each County lobbyist, as defined by County Code, Section 2.160.010, that is, retained by the Bidder is in full compliance with County Code, Chapter 2.160.

6.11 Gratuities

6.11.1 It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Bidder with the implication, suggestion, or statement that the Bidder's provision of the consideration may secure more favorable treatment for the Bidder in the award of the contract or that the Bidder's failure to provide such consideration may negatively affect the County's consideration of the Bidder's submittal. A Bidder shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of the contract.

6.11.2 A Bidder shall immediately report an attempt by a County officer, employee, or agent to solicit such improper consideration. The report shall be made either to the Public Works' manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Bidder's submittal being eliminated from consideration.

6.11.3 Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

6.12 Consideration of GAIN/GROW Program Participants for Employment

As a threshold requirement for consideration for contract award, Bidders shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services' Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Program, or shall attest to a willingness to consider GAIN/GROW participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, Bidders shall attest to a willingness to provide employed GAIN/GROW participants access to the Bidders' employee mentoring program, if available, to assist these individuals in obtaining

permanent employment and/or promotional opportunities. Bidders who are unable to meet this requirement shall not be considered for contract award.

6.13 Child Support Compliance Program

Bidder is required to fully comply with all applicable state and federal reporting requirements relating to employment reporting for its employees. Bidder is required to fully comply with all lawfully served wage and earnings assignment orders and notices of assignment. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the noncompliant Contractor (County Code, Chapter 2.202).

6.14 Federal Earned Income Credit

Contractor shall notify its employees, and shall require each Subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal Income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice 1015. A copy of the notice is available at this website: <http://www.irs.gov/pub/irs-pdf/n1015.pdf>.

6.15 Recycled Bond Paper

Bidder shall be required to comply with the County's policy on recycled bond paper as specified in the Project Manual.

6.16 County Policy on Doing Business with Small Business

- 6.16.1 The County has multiple programs that address small businesses. The Board of Supervisors encourages small business participation in the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.
- 6.16.2 The Local Small Business Enterprise Preference Program requires the company to complete a certification process. This program and how to obtain certification are further explained in Section 6.38 of this RFSQ.
- 6.16.3 The Jury Service Program, provide exceptions to the Programs if a company qualifies as a Small Business. It is important to note that each Program has a different definition for Small Business. You may qualify as a Small Business in one Program but not the other. Further explanations of the Jury Service Program are provided in this RFSQ.

6.16.4 The County also has a policy on Doing Business with Small Business.

6.17 Indemnification and Insurance

6.17.1 The County's insurance requirements specify that Bidders should obtain coverage from insurance companies acceptable to the County who have a current A.M. Best rating of not less than A:VII. A Best rating of A:VII indicates that the company evidences strong financial strength and ability to meet their ongoing financial obligations to policyholders. Refer to Section 00700, General Conditions, and Section 00800, Supplementary Conditions (Exhibit G), for additional information on indemnification and insurance requirements.

6.17.2 Cancellation of or Changes in Insurance

Contractor shall provide County with, or Contractor's insurance policies shall contain a provision that County shall receive, written notice of cancellation or any change in Required Insurance, including insurer, limits of coverage, term of coverage or policy period. The written notice shall be provided to County at least ten (10) days in advance of cancellation for nonpayment of premium and thirty (30) days in advance for any other cancellation or policy change. Failure to provide written notice of cancellation or any change in Required Insurance may constitute a material breach of the Contract, in the sole discretion of the County, upon which the County may suspend or terminate this Contract.

6.17.3 Failure to Maintain Insurance

Contractor's failure to maintain or to provide acceptable evidence that it maintains the Required Insurance shall constitute a material breach of the Contract, upon which County immediately may withhold payments due to Contractor, and/or suspend or terminate this Contract. County, at its sole discretion, may obtain damages from Contractor resulting from said breach. Alternatively, the County may purchase the Required Insurance, and without further notice to Contractor, deduct the premium cost from sums due to Contractor or pursue Contractor reimbursement.

6.18 Determination of Bidder Responsibility

6.18.1 A responsible Bidder is a Bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Bidders.

6.18.2 Bidders are hereby notified that, in accordance with County Code, Chapter 2.202, the County may determine whether the Bidder is responsible based on a review of the Bidder's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Bidder against public entities. Labor law violations, which are the fault of Subcontractors and of which the Bidder had no knowledge shall not be the basis of a determination that the Bidder is not responsible.

6.18.3 The County may declare a Bidder to be nonresponsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Bidder has done any of the following: (1) violated a term of a contract with the County; (2) committed an act or omission, which negatively reflects on the Bidder's quality, fitness, or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice, which negatively reflects on same; (3) committed an act or offense, which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

6.18.4 If there is evidence that the highest ranked Bidder may not be responsible, the Department shall notify the Bidder in writing of the evidence relating to the Bidder's responsibility, and its intention to recommend to the Board of Supervisors that the Bidder be found not responsible. The Department shall provide the Bidder and/or the Bidder's representative with an opportunity to present evidence as to why the Bidder should be found to be responsible and to rebut evidence, which is the basis for the Department's recommendation.

6.18.5 If the Bidder presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Bidder shall reside with the Board of Supervisors.

6.18.6 The terms shall also apply to proposed Subcontractors of Bidders on County contracts.

6.19 Bidder Debarment

6.19.1 The Bidder is hereby notified that, in accordance with County Code, Chapter 2.202, the County may debar the Bidder from proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five

years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Bidder's existing contracts with the County, if the Board of Supervisors finds, in its discretion, that the Bidder has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission, which negatively reflects on the Bidder's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice, which negatively reflects on same; (3) committed an act or offense, which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 6.19.2 If there is evidence that the highest ranked Bidder may be subject to debarment, the Department shall notify the Bidder in writing of the evidence, which is the basis for the proposed debarment and shall advise the Bidder of the scheduled date for a debarment hearing before the Contractor Hearing Board.
- 6.19.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Bidder and/or the Bidder's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Bidder should be debarred, and, if so, the appropriate length of time of the debarment. The Bidder and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 6.19.4 After consideration of any objections or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 6.19.5 If a Bidder has been debarred for a period longer than five years, that Bidder may, after the debarment has been in effect for at least five years; submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Bidder has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed;

(2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.

6.19.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where: (1) the Bidder has been debarred for a period longer than five years; (2) the debarment has been in effect for at least five years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. After the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

6.19.7 These terms shall also apply to proposed Subcontractors of Bidders on County contracts.

6.20 County's Defaulted Property Tax Reduction Program

The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program (County Code, Chapter 2.206). Prospective Contractors should carefully read the Defaulted Tax Program Ordinance, Section 00493, which is incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their Subcontractors.

Bidders shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Certification of Compliance with the County's Defaulted Property Tax Reduction Program, Section 00493, Certified Required Forms. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation or debarment proceedings against the non-compliant Contractor (County Code, Chapter

2.202).

Bids/proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

6.21 Compliance with Jury Service Program

6.21.1 This Contract is subject to provisions of the County's ordinance entitled Contractor Employee Jury Service (Jury Service Program) as codified in County Code, Sections 2.203.010 through 2.203.090.

6.21.2 Unless Contractor has demonstrated to the County's satisfaction either that Contractor is not a Contractor as defined under the Jury Service Program (County Code, Section 2.203.020) or that Contractor qualifies for an exception to the Jury Service Program (County Code, Section 2.203.070), Contractor shall have and adhere to a written policy that provides that its employees shall receive from the Contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such a jury service with the Contractor or that the Contractor deduct from the employee's regular pay the fees received for jury service.

6.21.3 For purposes of this Section, "Contractor" or "contractor" means a person, partnership, corporation or other entity, which has a contract with the County or a subcontract with a County Contractor or contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. "Employee" means any California resident who is a full-time employee of Contractor. Full-time means 40 hours or more worked per week, or a lesser number of hours if: (1) the lesser number is a recognized industry standard as determined by the County, or (2) Contractor has a long-standing practice that defines the lesser number of hours as full-time. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program. If Contractor uses any Subcontractor and/or Subcontractor to perform services for the County under the Contract, the Subcontractor and/or Subcontractor shall also be subject to the provisions of this Article. The provisions of this Article shall be inserted into any such Subcontract and/or Subcontractor contract and a copy of the Jury Service Program shall be attached to the contract.

6.21.4 If a Contractor does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then the Contractor must so indicate in the Certification Form and Application for Exception and include with its submission all necessary documentation to support the claim such as tax returns or a

collective bargaining agreement, if applicable. Upon reviewing the contractor's application, the County will determine, in its sole discretion, whether the Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

6.21.5 If Contractor is not required to comply with the Jury Service Program when the Contract commences, Contractor shall have a continuing obligation to review the applicability of its exception status from the Jury Service Program, and Contractor shall immediately notify County if Contractor at any time either comes within the Jury Service Program's definition of Contractor or if Contractor no longer qualifies for an exception to the Program. In either event, Contractor shall immediately implement a written policy consistent with the Jury Service Program. The County may also require, at any time during the Contract and at its sole discretion, that Contractor demonstrate to the County's satisfaction that Contractor either continues to remain outside the Jury Service Program's definition of Contractor and/or that Contractor continues to qualify for an exception to the Program.

6.21.6 If a Contractor uses a subcontractor to perform services for the County under the contract, the subcontractor shall also be subject to the provisions of the Jury Service Program, unless the subcontractor: 1) does not fall within the definition of "contractor" or 2) meets one of the exceptions to the Jury Service Program. The provisions of the Jury Service Program must be inserted into any applicable agreement and a copy of the Jury Service Program shall be attached to the agreement.

6.21.7 Contractor's violation of this Section of the Contract may constitute a material breach of the Contract. In the event of such material breach, County may, in its sole discretion, terminate the Contractor and/or bar Contractor from the award of future County contracts for a period of time consistent with the seriousness of the breach.

6.22 Registration with the County of Los Angeles

Prior to a contract award, all potential Contractor register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at <http://camisvr.co.la.ca.us/webven/>. If awarded a contract and Contractor does not have a valid vendor number, payments will be delayed until the Contractor is registered.

6.23 Notice to Employees Regarding the Safely Surrendered Baby Law

The Contractor shall notify and provide to its employees, and shall require each Subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in the County of Los Angeles, and how to safely surrender a baby. The fact sheet is set forth in Attachment of this solicitation document. It is also available on the Internet at www.babysafela.org for printing purposes.

6.24 Notification to County of Pending Acquisitions/Mergers by Proposing Company

The Bidder shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the vendor on Form - Bidder's Organization Questionnaire/Affidavit. Failure of the Bidder to provide this information may eliminate its proposal from any further consideration. Bidder shall have a continuing obligation to notify County of changes to the information contained in Bidder's Organization Questionnaire/Affidavit Form during the pendency of this RFSQ by providing a revised Form to the County upon the occurrence of any event giving rise to a change in its previously-reported information.

6.25 Prevailing Wage Requirements

- a. The project is a public work as defined in Section 1720 of the California Labor Code, and subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR). As such, the requirements of Labor Code Sections 1720 et. seq. shall apply including, but not limited to, the following.
- b. A Contractor or Subcontractor shall not be qualified to bid on, be listed in a bid, subject to requirements of Section 4104 of the California Public Contract Code, or engage in the performance of any contract for public works, unless currently registered with the Department of Industrial Relations and qualified to perform public work pursuant to California Labor Code section 1725.5.
- c. The County shall not accept any bid nor award any contract without proof of the Contractor and Subcontractor's current registration to perform the project. A copy of the confirmed registration from the Department of Industrial Relations website (<https://efiling.dir.ca.gov/PWCR/Search.action>) must be attached in applicable part of the proposal. A bid submitted by an unregistered Contractor shall be basis for considering the bid non-responsive [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1].

- d. An inadvertent error in listing an unregistered Subcontractor pursuant to Labor Code section 1725.5 in a proposal shall be grounds for considering the proposal non-responsive, unless:
 - (1) The Subcontractor is registered prior to the bid opening.
 - (2) Within 24 hours after the bid opening, the Subcontractor is registered and has paid the penalty registration fee specified in subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.
 - (3) The Subcontractor is replaced by another registered Subcontractor pursuant to Section 4107 of the Public Contract Code.
- e. All Contractors and Subcontractors must furnish certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement) in a format prescribed by the Labor Commission.
- f. The prime Contractor is required to post job site notices prescribed below:

8 Calif. Code Reg. §16451(d):

"This public works project is subject to monitoring and investigative activities by the Compliance Monitoring Unit (CMU) of the Division of Labor Standards Enforcement, Department of Industrial Relations, State of California. This Notice is intended to provide information to all workers employed in the execution of the contract for public work and to all Contractors and other persons having access to the job site to enable the CMU to ensure compliance with and enforcement of prevailing wage laws on public works projects."

"The prevailing wage laws require that all workers be paid at least the minimum hourly wage as determined by the Director of Industrial Relations for the specific classification (or type of work) performed by workers on the project. These rates are listed on a separate job site posting of minimum prevailing rates required to be maintained by the public entity, which awarded the public works contract. Complaints concerning nonpayment of the required minimum wage rates to workers on this project may be filed with the CMU at any office of the Division of Labor Standards Enforcement (DLSE)."

Local Office Telephone Number:

Division of Labor Standards Enforcement Office

320 W. Fourth Street, Suite 450
Los Angeles, CA 90013
(213) 620-6330

"Complaints should be filed in writing immediately upon discovery of any violations of the prevailing wage laws due to the short period of time following the completion of the project that the CMU may take legal action against those responsible."

"Complaints should contain details about the violations alleged (for example, wrong rate paid, not all hours paid, overtime rate not paid for hours worked in excess of 8 per day or 40 per week, etc.) as well as the name of the employer, the public entity, which awarded the public works contract, and the location and name of the project."

"For general information concerning the prevailing wage laws and how to file a complaint concerning any violation of these prevailing wage laws, you may contact any DLSE office. Complaint forms are also available at the Department of Industrial Relations website found at <http://www.dir.ca.gov/Public-Works/PublicWorks.html>."

- g. In addition, electronic certified payroll records must be submitted to the County through an online system designated by the County.

6.26 Community Business Enterprise (CBE) Participation

The County has adopted a Community Business Enterprise (CBE) Program, available for review at <http://countypolicy.co.la.ca.us/>, Board Policy No. 5.010 and 5.130, which includes business enterprises owned by disabled veterans, disadvantaged business enterprises, and minority and women-owned business enterprises. If awarded a contract the Contractor shall document good faith efforts it has taken to assure that CBEs are utilized when possible to provide supplies, equipment, technical services, and other services under this contract. The County will evaluate the Contractor's good faith efforts to meet the CBE participation goal.

6.27 Best Management Practice (BMP) Requirements

- 6.27.1 Contractor shall comply with the County of Los Angeles Department of Public Works Construction Site Best Management Practices (BMP's) Manual, latest edition. A copy of the BMP Manual can be obtained at the County of Los Angeles Department of Public Works Cashier's Office, 900 South Fremont Avenue, Alhambra, CA 91803, or call (626) 458-6959. Specific requirements for this Project are listed in Sections 00310, 01010, and 01710.

6.27.2 Contractor shall use Construction and Demolition Debris Recycling Best Management Practices. Specific requirements are listed in Section 01800. Copies of the Best Management Practices handbook are available at the Cashier's Office at the Department of Public Works at no cost to Bidders.

6.28 Local Small Business Preference Program

In evaluating Part B IFB responses, the County will give preference to businesses that are certified by the County as a Local Small Business Enterprise (Local SBE), consistent with County Code, Chapter 2.204. A Certified Local SBE is a business: 1) certified by the State of California as a small business enterprise, 2) having its principal office currently located in Los Angeles County for a period of at least the past 12 months; and 3) certified by the Countywide Contract Compliance Section of the Internal Services Department as meeting the requirements set forth in 1 and 2 above. Certified Local SBEs must request the SBE Preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification affirmed. County must verify Local SBE certification prior to applying the preference. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

6.29 Required Certification/Disclosure

Bidders must provide full disclosure on violations and civil/criminal legal actions as provided for on the required forms in Sections 00470, 00471, 00472, 00473, and 00474, of the Project Manual. Failure to complete these forms may result in a determination that the Bidder is nonresponsive. Failure to fully and accurately provide the requested information may result in a determination that the Bidder is not responsible.

6.30 Time Off for Voting

Contractor shall notify its employees, and shall require each Subcontractor to notify and provide to its employees, information regarding the time off for voting law (Elections Code, Section 14000). Not less than ten (10) days before every statewide election, every Contractor and Subcontractors shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14000.

6.31 Contractor Background and Security Investigations

Background and security investigations of Contractor's staff may be required at the discretion of the County as a condition of beginning and continuing work under any resulting Contract. The cost of background checks is the responsibility of the Contractor.

6.32 Confidentiality and Independent Contractor Status

As appropriate, Contractor shall be required to comply with the Confidentiality provision and the Independent Contractor Status provision contained in the Project Manual.

6.33 Conflict of Interest

No County employee whose position in the County enables him/her to influence the prequalification of any Contractor for this project, nor any spouse or economic dependent of such employees, shall be employed in any capacity by a Contractor or have any other direct or indirect financial interest in the selection of a Contractor. Contractor shall certify that he/she is aware of and has read County Code, Section 2.180.010 as stated in Avoidance of Conflict of Interest Certificate.

6.34 SOQ Submittal

Only one SOQ from an individual, firm, partnership, joint venture, corporation, or association may be submitted. Using the same or different names to submit additional SOQs is not acceptable, and such proposals will not be considered. If the County has reasonable grounds for believing that any Contractor has an interest in more than one SOQ for the work contemplated, the SOQ may be rejected as nonresponsive and/or nonresponsible. If the County has reason to believe that collusion exists among the Contractors, the SOQs will be rejected, and such Contractors and participants may be subject to debarment.

6.35 Local and Targeted Worker Hire Program

- A. The County of Los Angeles has implemented a Local and Targeted Worker Hire Policy (LTWHP) to facilitate the hiring of Local and Targeted workers. Pursuant to this policy, this project has a **mandatory goal** of at least 30 percent of total California Construction Labor Hours worked on this project be performed by qualified Local Residents. There is no Targeted Worker hiring requirement.
- B. A Local Resident is defined as an individual living within the Tier 1 or Tier 2 ZIP Codes of the County. Before employing worker(s) from Tier 2 ZIP Codes, the available pool of local residents whose primary place of residence is within Tier 1 ZIP Codes must first be exhausted. Tier 1 means ZIP Codes within five (5) miles of the proposed project site, and where the average percentage of households living below 200 percent of the Federal Poverty Level (FPL) is greater than the County average for such households. Tier 2 means any ZIP Codes within the County where the average percentage of households living below 200 percent of the FPL is

greater than the County average for such households. This definition shall also apply to affordable housing projects and for privately financed developments located on County property.

- C. Contractor shall comply with the provisions required for the Local and Targeted Hire Program in **Exhibit H**, Section 00 19 12 Local and Targeted Worker Hire Program.

6.36 Contractor CARD Track/Monitoring Database

The County maintains databases that track/monitor Contractor performance history. Information entered into such databases may be used for a variety of purposes, including determining whether the County will exercise a Contract term extension option.

6.37 Mental Health Services for Critical Incidents

In the event of a serious accident on the Project site, the Los Angeles County Department of Mental Health (DMH) will, if requested, respond. The response may be within a few hours or as long as a few days after the incident, depending on when the request was made. The services DMH will provide include crisis intervention, normalization of the stress response that survivors may be experiencing, stress management techniques and resources if the stress reactions increase in frequency or intensity. Requests for services may be made by calling the DMH Emergency Outreach Bureau Deputy Director, (213) 738-4924, during normal business hours or the ACCESS Center, (800) 854-7771, evenings, holidays, and weekends.

6.38 Local Small Business/Social Enterprise/Disabled Veterans Business Enterprise Utilization

Local Small Business Enterprise means a business that is certified by the County of Los Angeles as a Local Small Business Enterprise (Local SBE), consistent with County Code, Chapter 2.204 of the.

1. When requested by the County, the Contractor shall provide to the County via methods specified by the County, such as submission of electronic live (or dynamic) data on invoices for the prime and all Subcontractors using County-designated third party software system or to a County approved website, or other means of submitting expenditure information on Subcontractors, including but not limited to the following information: the name, business address, California Contractor License number and telephone number/email address of each Subcontractor who will perform work or labor for the Contractor on the Project in an amount in excess of one-half of 1 percent of the Contractor's total bid. In addition, the Contractor shall be required to provide each of the specified Subcontractors' Local SBE status (i.e., whether any of the listed

Subcontractors are Local SBE's), Social Enterprise (SE) status, and Disabled Veterans Business Enterprise (DVBE) status, and the proposed monetary amount of the work the Subcontractor will perform on the Project. In addition, at the time of submittal of the final invoice, the Contractor shall indicate, via methods specified by the County, the actual dollar amounts paid to each listed Subcontractor who performed work on the project.

2. Contractor's failure to comply with the provisions of this Article is a material breach of the Agreement. The parties agree that it will be impracticable or extremely difficult to fix the extent of actual damages resulting from the failure to the Contractor to comply with this Article. The parties agree that under the current circumstances a reasonable estimate of such damages is specified in the Schedule for Liquidated Damages for Local Small Business Enterprise Utilization hereunder, and that the Contractor shall be liable to the County for said amounts.

If in the judgment of the Director, or his/her designee, the Contractor is deemed to be in non-compliance with the terms and obligations assumed hereby, the Director or his/her designee, at his/her option, in addition to, or in lieu of, other remedies provided herein in this Agreement, may deduct and withhold liquidated damages from County's final payment to the Contractor as follows:

SCHEDULE FOR LIQUIDATED DAMAGES FOR LOCAL SMALL
BUSINESS ENTERPRISE/SOCIAL ENTERPRISE/DISABLED
VETERANS BUSINESS ENTERPRISE UTILIZATION

<u>Final Invoice Price</u>	<u>Liquidated Damages</u>
Up to \$100,000	\$50.00 plus 0.1% of contract amount
\$100,001 to \$500,000	\$150.00 plus 0.07% of all over 100,000
Over \$500,000	\$430.00 plus 0.05% of all over \$500,000

6.39 Claims

Notwithstanding Article 1.5 (commencing with Section 20104) of Chapter 1 of Part 3, Section 9204 of the Public Contract Code shall apply to any claim by the Contractor in connection with the Project.

- a) Upon receipt of a claim pursuant to Section 9204 of the Public Contract Code, the County will conduct a reasonable review of the claim and, within a period not to exceed 45 Days, provide the Contractor a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, the Contractor and the County may, by mutual agreement, extend the aforementioned time period.

- b) The Contractor shall furnish reasonable documentation to support the claim.
- c) If Board approval is needed to provide the Contractor a written statement identifying the disputed portion and the undisputed portion of the claim, and the Board does not meet within the 45 Days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the County will have up to 3 Days following the next duly publicly noticed meeting of the Board after the 45-Day period, or extension, expires to provide the Contractor a written statement identifying the disputed portion and the undisputed portion.
- d) Any payment due on an undisputed portion of the claim will be processed and made within 60 Days after the County issues its written statement. If the County fails to issue a written statement, paragraph (j) shall apply.
- e) If the Contractor disputes the County's written response, or if the County fails to respond to a claim issued pursuant to Section 9204 within the time prescribed, the Contractor may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the County will schedule a meet and confer conference within 30 Days for settlement of the dispute.
- f) Within 10 business days (Monday-Thursday) following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the County will provide the Contractor a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim will be processed and made within 60 Days after the County issues its written statement. Any disputed portion of the claim, as identified by the Contractor in writing, shall be submitted to nonbinding mediation, with the County and the Contractor sharing the associated costs equally. The County and the Contractor shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside those established in Section 9204.
- g) Mediation shall include any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent

third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in Section 9204.

- h) Unless otherwise agreed to by the County and the Contractor in writing, the mediation conducted pursuant to Section 9204 shall excuse any further obligation under Section 20104.4 to mediate after litigation has been commenced.
- i) Section 9204 does not preclude the County from requiring arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program, if mediation under Section 9204 does not resolve the parties' dispute.
- j) Failure by the County to respond to a claim from the Contractor within the time periods described in this subdivision or to otherwise meet the time requirements of Section 9204 shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the County's failure to have responded to a claim, or its failure to otherwise meet the time requirements of Section 9204, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the claimant.
- k) Amounts not paid in a timely manner as required by Section 9204 will bear interest at 7 percent per annum.
- l) If a Subcontractor or a lower tier Subcontractor lacks legal standing to assert a claim against the County because privity of the Contract does not exist, the Contractor may present to the County a claim on behalf of a Subcontractor or lower tier Subcontractor. A Subcontractor may request in writing, either on its own behalf or on behalf of a lower tier Subcontractor, that the Contractor present a claim for work, which was performed by the Subcontractor or by a lower tier Subcontractor on behalf of the Subcontractor. The Subcontractor requesting that the claim be presented to the County shall furnish reasonable documentation to support the claim. Within 45 Days of receipt of this written request, the Contractor shall notify the Subcontractor in writing as to whether the Contractor presented the claim to the County and, if the original Contractor did not present the claim, provide the Subcontractor with a statement of the reasons for not having done so.
- m) A waiver of the rights granted by Section 9204 is void and contrary to public policy, provided, however, that (1) upon receipt of a claim, the Contractor and the County may mutually agree to waive, in writing,

mediation and proceed directly to the commencement of a civil action or binding arbitration, as applicable; and (2) the County may prescribe reasonable change order, claim, and dispute resolution procedures and requirements in addition to the provisions of Section 9204, so long as the contractual provisions do not conflict with or otherwise impair the timeframes and procedures set forth in Section 9204.



Americans with Disabilities Act (ADA) Information

Individuals requiring reasonable accessibility accommodations may request written materials in alternate formats, physical accessibility accommodations, sign language interpreters or other reasonable accommodations by contacting our departmental Americans with Disabilities Act Coordinator at (626) 458-4081, from 7:30 a.m. to 5:00 p.m., Monday through Thursday (excluding holidays). Persons who are deaf or hard of hearing may make contact by first dialing the California Relay Service at 7-1-1. Requests should be made at least one week in advance to ensure availability. When making a reasonable accommodation request, please reference **[BRC-2]**.

PART A

**PREQUALIFICATION
QUESTIONNAIRE**

PROJECT NAME

SPECS XXXX; C.P. XXXX

DATE

**LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

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SECTION 0 CONTACT INFORMATION

Contractor Name: _____

Check One: Corporation
Partnership
Sole Prop.
Joint Venture
Other

If Contractor is a sole proprietor or partnership:

Owner(s) of Company: _____

If Contractor is a Joint Venture:

NOTE: If proposing Contractor is a Joint Venture, each Joint Venture member-firm is required to fill out its own Section 1 of the Prequalification Questionnaire. Section 3 shall be completed by the Joint Venture member-firm holding the general contractor license under which the Work will be performed. Sections 2, 4, 5, and 6 shall be completed once only on behalf of the whole Joint Venture team.

List of Joint Venture Member-Firms: _____

Name of Joint Venture Member-Firm Completing this Questionnaire:

All Contractors:

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

SECTION 1: ESSENTIAL REQUIREMENTS FOR PRE-QUALIFICATION

All questions in this section are Pass/Fail.

The Contractor will be immediately disqualified if the answer to any of questions 1.1 through 1.5, including any subparts (i.e., 1.2a, 1.2b, or 1.2c) is "No."

The Contractor will be immediately disqualified if the answer to any of questions 1.6 through 1.9 is "Yes."¹

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Contractor is responsible to perform the proposed work.

- 1.1 Contractor possesses a valid and current [INSERT PROPER LICENSE CLASS] California contractor's license.

Yes No Contractor License No. _____

- 1.2 Contractor has attached a notarized statement from an insurance carrier confirming that the Contractor has the capacity to provide the following insurance policies (a statement from an insurance broker is not acceptable):

- 1.2.a Comprehensive general liability insurance policy specific to the Proposed Project, with a policy limit of at least \$2,000,000 per occurrence, \$4,000,000 aggregate and \$4,000,000 for products/completed operation aggregate.
[Contract Administrator to specify applicable limits above]

Yes No

- 1.2.b Automobile insurance policy specific to the Proposed Project with a policy limit of at least \$2,000,000 per accident.

Yes No

¹ A contractor disqualified solely because of a "Yes" answer given to question 1.6, 1.7, or 1.9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

- 1.3 Contractor or Joint Venture Member-Firm has a 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

- 1.4 Contractor or Joint Venture Member-Firm has attached the latest copy of its reviewed or audited financial statement with accompanying notes and

supplemental information.²

Yes No

NOTE: A financial statement that is neither reviewed nor 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.

- 1.5 Contractor has attached a notarized statement from an admitted surety (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states: (a) that Contractor's current bonding capacity is sufficient for the project for which Contractor seeks Prequalification, and (b) the amount of Contractor's current available bonding capacity?³

Yes No

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

- 1.6 Has Contractor's license, listed in Question 1.1 above, been revoked at any time in the last five years?

Yes No

- 1.7 Has a surety firm completed a contract on behalf of the firm holding the Contractor's license, or paid for completion because the firm was default-terminated by the project owner within the last five (5) years?

Yes No

² Public Contract Code section 20101 (e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 percent of the qualifying amount provided in section 14837(d)(1)."

³ An additional notarized statement from the surety may be requested by the County at the time of submission of a bid, if this prequalification package is submitted more than 60 days prior to submission of the bid.

- 1.8 At the time of submitting this questionnaire, is Contractor or Joint Venture Member-Firm ineligible to bid on or be awarded a Public Works contract, or perform as a subcontractor on a Public Works contract, by any public entity/agency.

Yes No

NOTE: If you are currently debarred and the debarment period will end prior to the proposed contract award date, you may answer no to the question and indicate the current debarment beginning and end dates on a separate sheet of paper.

- 1.9 At any time during the last five years, has Contractor or Joint Venture Member-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

SECTION 2: LOS ANGELES COUNTY REQUIRED CERTIFICATIONS

All questions in this Section are Pass/Fail.

The Contractor will be immediately disqualified if the answer to any of the questions in this Section is "No."

The Contractor must affirm that it has reviewed all County forms listed in this section and agrees to fill and attach all forms listed below as part of the Part B (Best Value Evaluation and Price Bid) if invited to submit.

The following County required forms will be completed, signed, and attached to the Part B Response:

- | | |
|-----|---|
| 2.1 | 00310 - Best Management Practices Requirements |
| | Yes No |
| 2.2 | 00311 - Construction and Demolition Debris Recycling Requirements |
| | Yes No |
| 2.3 | 00312 - Builder's Risk Course Construction Insurance Requirements |
| | Yes No |
| 2.4 | 00410 - Bid Bond |
| | Yes No |
| 2.5 | 00430 - Subcontractor Listing and Subcontracting |
| | Yes No |
| 2.6 | 00435 - Community Business Enterprise (CBE) Participation Form |
| | Yes No |
| 2.7 | 00438 - Request for Local Small Business Enterprise (SBE) Preference Consideration and Community Business Enterprise (CBE) Firm/Organization Information Form |
| | Yes No |
| 2.8 | 00440 - Equals |
| | Yes No |
| 2.9 | 00450 - Non-collusion Affidavit |
| | Yes No |

- 2.10 00460 - Greater Avenues for Greater Avenues for Independence/General Relief
Opportunity for Work (Gain/Grow)
Yes No
- 2.11 00465 - Three-Year Contracting History
Yes No
- 2.12 00470 - False Claims
Yes No
- 2.13 00471 - Civil Litigation History
Yes No
- 2.14 00472 - Criminal Convictions
Yes No
- 2.15 00473 - Debarments
Yes No
- 2.16 00474 - Labor Law/Payroll Violations
Yes No
- 2.17 00485 - Contractor Employee Jury Service Program
Yes No
- 2.18 00490 - Contractor's Industrial Safety Record
Yes No
- 2.19 00491 - Injury & Illness Prevention Plan & Code of Safe Practices Affidavit
Yes No
- 2.20 00492 - Contractor's Organization Questionnaire/Affidavit
Yes No
- 2.21 00493 - Defaulted Property Tax Reduction Program
Yes No

SECTION 3: ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS, AND SAFETY RECORDS

This Section includes additional questions regarding the business performance of the Contractor or the Joint Venture member-firm holding the general Contractor license under which the Work will be performed. Some questions are for **Information Only**, while other questions are scored.

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Contractor is responsible to perform the proposed work.

Current Organization and Structure of the Contractor – Information Only

3.1 For Firms that are Corporations or Limited Liability Corporations:

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

Name	Position	Years with Co.	% Ownership

- 3.1.d Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

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

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

- 3.1.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.2 For Firms that are Partnerships:

3.2.a Date of formation: _____

3.2.b Under the laws of what state: _____

- 3.2.c Provide all the following information for each partner who owns ten percent (10%) or more of the firm.

Name	Position	Years with Co.	% Ownership

- 3.2.d Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

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

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

- 3.2.e If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.3 **For Firms that are Sole Proprietorships:**

- 3.3.a Date of commencement of business _____

- 3.3.b Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

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

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

- 3.3.c If your firm has operated under any other business names and/or business licenses during the last five years, provide those names and licenses below.

Firm Name	License	Years in Operation

3.4 For Firms that intend to Make a Bid as Part of a Joint Venture:

3.4.a Date of commencement of joint venture _____

3.4.b Provide all of the following information for each firm that is a member of the joint venture that expects to bid on the project:

Firm Name	% Ownership Of Joint Venture

History of the Business and Organizational Performance

- 3.5 Has there been any change in ownership of the firm at any time during the last three years? **Information only**

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.

- 3.6 Is the firm a subsidiary, parent, holding company or affiliate of another construction firm? **Information only**

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

Yes No If "yes," explain on a separate signed page.

- 3.7 Are any corporate officers, partners or owners connected to any other construction firms? **Information only**

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.

- 3.8 Does your firm have the qualified, experienced key personnel available to work on the proposed project during the indicated time period? The required positions include, but are not limited to: Project Executive, Project Manager, Project Engineers, and Project Superintendents. **Information Only**

Yes No

- 3.9 How many years has your organization been in business in California as a Contractor under your present business name and license number?

Years in Business _____

3 years or less = 2 points

4 years = 3 points

5 years = 4 points

6 years or more = 5 points

3.10 Is your firm currently the debtor in a bankruptcy case?

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

No = 3 points Yes = 0 points

3.11 Was your firm in bankruptcy at any time during the last five years?
(This question refers only to a bankruptcy action that was not described in answer to question 3.10, above)

Yes No

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.

No = 3 points Yes = 0 points

Licenses

3.12 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 Contractor's State License Board (CSLB) records who meet(s) the experience and examination requirements for each license. **Information only**

3.13 Has any CSLB license held by the Contractor or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

If "yes" please explain any mitigating circumstances on a separate signed sheet.

No = 5 points Yes = 0 points

3.14 Provide a listing of any violations of the Contractors' State License (Chapter 9 commencing with Section 7000 of Division 3 of the Business and Professions

Code), including violations related to the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirement settled against any member of the Contractor. **Information only**

- 3.15 Provide a listing of the names and positions of your firm's RME and/or RMO for the last five years. **Information only**

Disputes

- 3.16 At any time in the last five years, has your firm been assessed and required to pay liquidated damages of more than 30 days following completion of a project under a construction contract with either a public or private owner?

Yes No

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

No projects with liquidated damages of more than 30 days = 5 points

One project with liquidated damages of more than 30 days = 4 points

Two projects with liquidated damages of more than 30 days = 3 points

Any other answer: no points

- 3.17 In the last five 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 3.2.c or 3.2.d on this form.

Yes No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification 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.

No = 5 points Yes = 0 points

- 3.18 In the last five years, has your firm been denied an award of a Public Works

contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

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

No = 5 points Yes = 0 points

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. Also, you may omit reference to all disputes with amounts of less than \$50,000.

- 3.19 In the past five years, has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration?

Yes No

If "yes," on a separate signed sheet 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).

Information only

- 3.20 In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and filed that claim in court or arbitration? **Information only**

Yes No

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).

- 3.21 At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

Yes No

If "yes," explain on a separate signed page, the amount of each such claim (payment), contract value, 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.

NOTE: Any payment ranging from 0% to 5% will be counted as one claim; any payment in excess of 5% of the contract value will be counted as two claims for the scoring of this question. Any payment in excess of 10% of the contract value will be counted as three claims for the scoring of this question.

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

5 points for "No," indicating no such claim

4 points for "Yes," indicating 1 such claim

3 points for "Yes," indicating 2 such claims

Subtract 5 points for "Yes," if more than 3 or more such claims

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

5 points for either "No" or a "Yes," indicating 1 such claim

4 points for "Yes," indicating 2 such claims

3 points for "Yes," indicating up to 3 or 4 such claims

Subtract 5 points for "Yes," indicating 5 or more such claims

- 3.22 In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

Yes

No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance, the year of the refusal and any justification provided (include copies of this justification). On a separate sheet, explain the reason for the denial and provide a copy of the denial letter. The County reserves the right to reinstate points based on the responses provided.

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," if more than 2 such instances

Criminal Matters and Related Civil Suits

- 3.23 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

- 3.24 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

- 3.25 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

Bonding

- 3.26 Have you attached a notarized letter from your surety identifying the name of the company, name of the agent, address and telephone number, bonding capacity, and bond premium rate for a performance and payment bond for the last three fiscal years? **Information only**

Yes No

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

- 3.27 Has CAL OSHA cited and assessed penalties against your firm for any "serious" or "willful" violations, as determined by OSHA, of its safety or health regulations in the past five years? (CAL OSHA Act 1973).

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

Yes No

If "yes," attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

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

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," if more than 2 such instances

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

5 points for either "No" or "Yes," indicating 1 or 2 such instances

3 points for "Yes," indicating either 3 or 4 such instances

0 points for "Yes," if more than 4 such instances

- 3.28 Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? (OSHA Act 1970)

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

Yes

No

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

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

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," if more than 2 such instances

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

5 points for either "No" or "Yes," indicating 1 or 2 such instances

3 points for "Yes," indicating either 3 or 4 such instances
0 points for "Yes," if more than 4 such instances

- 3.29 Has the Environmental Protection Agency (EPA), any Air Quality Management District, any Regional Water Quality Control Board, or any other environmental regulatory agency cited and assessed penalties of more than \$25,000 against either your firm or the owner of a project as a consequence of your firm's work, in the past five years?

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

Yes No

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

No = 5 points Yes = 0 points

- 3.30 Do you have a written safety program and is a copy attached?

Yes No

Yes = 5 points No = 0 points

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

Yes No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five 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.)

5 points for "No"

3 points for "Yes," indicating 1 such instance of no more than 30 days in length

0 points for any instance greater than 30 days, or two or more instances of any length

3.32(a) Has your firm maintained an Experience Modification Rate (EMR) with an average of 1.00 or less for the last three premium years? **Contractors with an average EMR rate above 1.00 will be immediately disqualified.**

Yes No

Attach a copy of your worker's compensation insurance carrier's Experience Modification Rate (EMR) letter for the last three premium years.

Attach a separate sheet for the Contractor or each member (as appropriate) indicating the following information:

EMR year 1: _____
EMR year 2: _____
EMR year 3: _____
3 year EMR average: _____

3.32(b) Does your firm's average total recordable injury or illness rate and average lost work rate for the most recent three year period exceed the applicable statistical standards for your firm's business category?

Yes No

3.32(c) Is your firm a party to an alternative dispute resolution system as provided in Section 3201.5 of the Labor Code?

Yes No

Contractors answering "yes" to 3.32(b) and "no" to 3.32(c) will be immediately disqualified.

Prevailing Wage and Apprenticeship Compliance Record

- 3.33 Has there been more than one instance (one identified occurrence involving up to five employees) during the last five years in which your firm was required to pay penalties for your own firm's failure to comply with the State's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

Yes No

If "yes," attach a separate signed page or pages, describing how many instances occurred (each instance is defined as an occurrence involving a maximum of five employees; i.e. one time with seven employees would be counted as two instances) that resulted in penalties.

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

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," indicating 3 or more such instances

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

5 points for either "No" or "Yes," indicating 1 such instance

4 points for "Yes," indicating 2 such instances

3 points for "Yes," indicating either 3 or 4 such instances

0 points for "Yes," indicating 5 or more such instances

- 3.34 During the last five years, has there been more than one instance (one identified occurrence involving up to five employees) in which your own firm has been penalized or required to pay penalties for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

Yes No

If "yes," attach a separate signed page or pages describing how many instances occurred (each instance is defined as an occurrence involving a maximum of five employees; i.e. one time with seven employees would be counted as two instances) that resulted in penalties.

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

5 points for "No"

4 points for "Yes," indicating 1 such instance

3 points for "Yes," indicating 2 such instances

0 points for "Yes," indicating 3 or more such instances

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

5 points for either "No" or "Yes," indicating 1 such instance

4 points for "Yes," indicating 2 such instances

3 points for "Yes," indicating either 3 or 4 such instances

0 points for "Yes," indicating 5 or more such instances

- 3.35 Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any Public Works project for which you are awarded a contract by the County of Los Angeles.

5 points if at least one approved apprenticeship program is listed

0 points for any other answer

SECTION 4 RECENT CONSTRUCTION PROJECTS COMPLETED

In this section the County is asking questions relevant to the Contractor's qualifications most closely related to the proposed project. Each question includes the scoring criteria.

The County reserves the right to ask for any additional information based on the responses provided, and will use this information, along with any other relevant information, to evaluate whether or not the Contractor is qualified to perform the proposed work.

CONTRACTOR

- 4.1 **Contractor** - Use the following form to provide details for up to three projects (public or private), which the Contractor performed within the last five years that are substantially similar in size, cost, and scope to the proposed project as defined in this Bid solicitation. Substantially similar in cost means at least 75% of the projected construction cost of the project described in this RFSQ. Substantially similar in size means at least 75% of the of the proposed project square footage of the project described in this Bid solicitation.

In the event the bidder does not have enough projects that fit within the exact parameters of the criteria identified above to achieve the maximum available points (30), the bidder may provide additional information on similar projects which may fall outside the specified criteria. The County reserves the right to consider these other listed projects and assign points to the bidder as the County deems reasonable based on the information provided. If substitute projects are accepted by the County, in no event shall the Contractor be allowed to exceed eighty percent (80%) of the available points for these projects.

CONTRACTOR MEMBER

ATTACHMENT 4.1: COMPARABLY SIZED PROJECT TYPE PROJECTS

Project Name:	Original Contract Amount:*	Project Type:
Client Organization:	Final Contract Amount: *	A/E Name:
Project Location:		Contract Type: Design-Build Low Bid Best Value Other (Describe below) <hr/>
Completion Date:		
Owner Contact Information: (Name, telephone, & e-mail address)		
Project Description:		

Scoring: 10 Points for each qualifying project up to 3 projects (30 points total)

SECTION 5: OMMITTED

SECTION 6 COMMITMENT TO BID

If prequalified, I certify that I will provide a full and complete Part B Bid for the **PROJECT NAME** project.

Note: This statement is a Pass/Fail statement. Any bidders that will not verify a commitment to provide a full and complete Part B Bid will be immediately disqualified.

Authorized Contractor Representative

Dated: _____

(Signature)

(Company and Position of Signatory)

SECTION 7 OATH OF TRUTHFULNESS

I, the undersigned, certify and declare that I have read all the foregoing answers to this 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 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.

Dated _____

(Contractor's Name)

(Company and Position of Signatory)