

Contract No. C19123

Request for Pre-qualification of Bidders

Cerone Division Boiler &
Propane Tank Replacement

Issued
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NOTES:

- ATTACHMENT 1** **Statement of Qualification Certification Form**
Bidder is required to turn this form in along with the Pre-Qualification Questionnaire.
- ATTACHMENT 2** **Validation Statement**
As described in Item G. "Validation of Prior Pre-Qualification" herein, Bidders who have previously been pre-qualified by VTA may submit this form instead of the Pre-Qualification Questionnaire.
- APPENDIX A:** **Project Site Map**
Appendix A does not require any action by the Bidder. The project site map is included for Bidder's information only.
- APPENDIX B:** **Scoring Matrix**
Appendix B does not require any action by the Bidder. The scoring matrix is included for Bidder's information only.
- APPENDIX C:** **Interview Questionnaire**
Appendix C does not require any action by the Bidder. Appendix C contains only questions used by VTA staff to interview owner references. This is included for Bidder's information only.

NOTICE

A. SOLICITATION OF PRE-QUALIFICATION STATEMENTS

The Santa Clara Valley Transportation Authority (VTA) will be soliciting bids for the Cerone Division Boiler & Propane Tank Replacement Project (Project).

Notice is hereby given that VTA is now soliciting Statements of Qualifications (SOQ) from bidders (Bidders) with construction expertise in heating hot water boilers, and propane fuel storage & distribution systems. This Request for Pre-Qualification of Bidders is intended to solicit information in the form of a Pre-Qualification Questionnaire and qualification statements.

All Bidders that intend to submit a bid for the Project must fully complete the Pre-Qualification Questionnaire, provide all materials requested herein, and be approved by VTA in order to be included on the final qualified Bidders list. No bid will be accepted from a Bidder that has failed to comply with these requirements. If two or more contractors submit a SOQ as part of a Joint Venture or expect to submit a SOQ as part of a Joint Venture, each entity within the Joint Venture must be separately pre-qualified.

Answers to questions contained in the attached Pre-Qualification Questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. VTA will use these documents as the basis of rating contractors in respect to the Project size and scope. VTA reserves the right to check other sources available. VTA's decision will be based on objective evaluation criteria.

B. OBTAINING THE REQUEST FOR PRE-QUALIFICATION

View all solicitations advertised by VTA at <https://www.vta.org/solicitations>. Click on the name of the solicitation that you are interested in.

To download documents for a solicitation, click "**Register or Log In to Download**" if you're not logged in, and once you are registered and logged in, click "**Become a Plan Holder**" in order to download the documents. There is no charge for downloading these documents.

Register as a vendor and sign up for notifications for your North American Industry Classification System ("NAICS") business codes at <https://www.vta.org/user/register?type=vendor>. By registering as a VTA vendor, Bidders will automatically receive notifications by email of upcoming VTA bidding opportunities. It is highly recommended that prospective Bidders acquire the Request for Pre-Qualification documents directly from the VTA website in order to be assured of obtaining all addenda. The Request for Pre-Qualification documents will also be included the Invitation for Bids (IFB) issued for this Project.

C. SUBMITTAL LOCATION AND DEADLINE

Bidders seeking to participate in this Request for Pre-Qualification process must submit a fully completed SOQ in a sealed package marked "CONFIDENTIAL" to:

**Santa Clara Valley Transportation Authority
Procurement, Contracts and Materials Management
3331 North First Street, Building A
San José, CA 95134-1906
ATTENTION: Kiet Vu / Pre-Qualification for Contract C19123**

Bidders may submit pre-qualification packages during regular working hours on any day that the offices of VTA are open. The SOQ package must be submitted on or before the bid opening date as detailed in the IFB.

Potential Bidders that are not pre-qualified may qualify during the solicitation period. Contractors not currently pre-qualified, and intending to be pre-qualified, must request pre-qualification sufficiently in advance of the closing date for bids so as to ensure there will be no need to extend the solicitation period or delay the award.

Failure to provide a responsive SOQ by the time specified above will preclude the Bidder from subsequent participation in the IFB for the Project.

D. INQUIRIES

Inquiries regarding this Request for Pre-Qualification must be directed by e-mail to Kiet Vu at Kiet.Vu@vta.org.

E. NOTICE OF DETERMINATION

VTA will notify each Bidder that submits a SOQ regarding their qualification status by letter no later than ten business days after submission of the pre-qualification package. If a Bidder submits its pre-qualification on the bid opening date, VTA will not issue the Notice of Recommended Award until all pre-qualification packages have been reviewed.

F. BID SOLICITATION PERIOD

Bidders may be pre-qualified as defined in Section E above. Please note the following:

Bidders are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid opening date for this Project.

The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

G. VALIDATION OF PRIOR PRE-QUALIFICATION

Bidders who have been pre-qualified by VTA will be considered pre-qualified for a project of similar size and scope for one year following the date of notification of pre-qualification. The Validation Statement (Attachment 2) is required to be submitted on the date stated for pre-qualification packages.

INTRODUCTION TO THE REQUEST FOR PRE-QUALIFICATION

A. PROJECT BACKGROUND

VTA's Cerone Division Heating Hot Water (HHW) heating system, installed in the 1970s, consists of a 30,000-gallon liquid propane tank, gas vaporization equipment, and boilers located at the Central Energy Building (Building F). The boilers provide the heat source for an underground HHW piping system which circulates in a loop from Building F to Buildings B, E, & G. The 30,000-gallon liquid propane tank and vaporizers are past their useful life and require replacement. The existing boilers and two of the four vaporizers have broken down and are beyond repair.

A temporary boiler plant has been installed as an interim solution to provide heat to Buildings B, E and G, but is undersized for the Cerone Division's needs. In addition, the underground HHW and propane piping systems have deteriorated, resulting in unreliable heating performance. Numerous leaks have shut down the systems intermittently, and the system is exhibiting excessive heat loss, resulting in poor performance and excessive energy consumption. This Project will decommission the old systems and construct new HHW & propane systems that have been redesigned for greater efficiency and reliability.

B. PROJECT DESCRIPTION

The Project will consist of furnishing all labor, materials, tools, equipment, services, supervision, and incidentals necessary to replace the HHW boiler system and the propane gas storage and distribution system at VTA's Cerone Division bus operations and maintenance facility located at 3990 Zanker Rd., San Jose. The Contract will construct (i) two new propane fired boiler plants, (ii) install new above and below ground HHW piping, (iii) connect to existing HHW systems, and (iv) test and commission the new HHW systems. The Contract will also (i) install a new propane storage and distribution system consisting of a 30,000-gallon Liquefied Petroleum Gas (LPG) storage tank, (ii) fill station, (iii) LPG vaporizers, (iv) all associated piping, valves, safety equipment, connection to existing propane pipe networks, and (v) testing and commissioning of the propane storage and delivery system.

The Project includes related controls and monitoring systems, constructing bollards and concrete support structures, and all related civil, electrical, and plumbing work. The Project will decommission, demolish, and dispose of the existing propane storage tank and system, including related fill port, piping and vaporizers. The Project will also demolish and dispose of the existing central boiler plant and related HHW facilities and equipment inside Building F.

The Project will also:

- i. Construct joint utility trenches through existing paved and landscaped areas, protect trenches from vehicular and pedestrian traffic during construction, and restore paved and landscaped areas.
- ii. Modify existing plumbing (propane, HHW, industrial cold water, sanitary sewer) for connection of (and in support of) the new HHW and propane systems.
- iii. Modify and expand electrical infrastructure in support of new HHW and propane systems.

The estimated cost of construction for the Project is in the range of \$1,500,000 to \$2,300,000.

C. PROJECT DELIVERY

The selected Bidder will be the single point of contact and have contractual responsibility for all services contracted by VTA for the Project.

D. PROCUREMENT PROCESS: PREQUALIFICATION PROCUREMENT

The process for award of this Project includes this Request for Pre-Qualification and the issuance of the IFB to pre-qualified firms.

Only those firms that have been found to be qualified in the pre-qualification process may submit sealed bids with pricing information.

Award is then made to the lowest responsive and responsible Bidder as though it were a regular sealed-bid procurement.

Prior to submitting a SOQ in response to this Request for Pre-qualification, Bidders are advised to carefully review Section B (PROJECT DESCRIPTION) in order to understand the requirements of this Project.

E. PROJECT SCHEDULE

It is anticipated that the IFB will be advertised in **January 2020** with bid opening **February 2020** (Solicitation Period). The estimated time for construction of the Project is 300 calendar days.

F. PREPARATION OF THE SOQ SUBMITTAL

Each prospective Bidder must provide a complete, responsive SOQ package which consists of contact information and general information, essential requirements for qualification, scored questions, and project experience, with all the required attachments and any other supplemental information. Submission of an incomplete and/or unclear SOQ could result in a determination by VTA that the prospective Bidder is nonresponsive and therefore not pre-qualified.

Bidders must submit one (1) original copy of the SOQ package to be delivered to VTA at the required location and time specified in **Item C, Submittal Location and Deadline, of the NOTICE** section above.

Each questionnaire must be signed under penalty of perjury in the manner designated on the form provided as **Attachment 1 - Statement of Qualification Certification Form**, by an individual who has the legal authority to bind the Bidder on whose behalf that person is signing. If any information provided by a Bidder becomes inaccurate, the Bidder must immediately notify VTA and provide updated accurate information in writing, under penalty of perjury.

G. EVALUATION AND ANALYSIS

All SOQs will first be reviewed for their responsiveness, including timely receipt of the package and inclusion of all required forms. Any SOQ that is incomplete in any material respect may be deemed non-responsive and maybe rejected in its entirety.

Note: A contractor may be found not pre-qualified for bidding on this specific Project until the contractor meets VTA's requirements. In addition, a contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

Bidders will be scored based on the Request for Pre-Qualification Questionnaire Score Sheet (see APPENDIX B: Scoring Matrix).

H. NOTICE OF APPEAL

A Bidder can make an appeal in regard to its pre-qualification rating. The Bidder initiates the appeal by delivering a notice of appeal to VTA no later than ten business days prior to the closing time for the receipt of bids (refer to Item C under the NOTICE section above titled "Submittal Location and Deadline"). Without a

timely appeal, the Bidder waives any and all rights to challenge the decision of VTA, whether by administrative process, judicial process or any other legal process or proceeding.

If the Bidder requests a hearing on its appeal, the hearing process will be conducted and will conclude no later than five business days after VTA's receipt of the notice of appeal, and no later than five business days prior to the closing time for the receipt of bids. The hearing will be an informal process conducted by a panel to whom VTA's Board of Directors has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Bidder will be advised of the basis for VTA's pre-qualification determination. The Bidder will be given the opportunity to present information and reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of VTA that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

I. GENERAL CONTRACTOR AND ENGINEERING FIRMS

Bidders are advised that they must have a California contractor's license, classification **Class A (General Engineering), or Class B (General Building)** to bid on this Project. All of Contractor's subcontractors must also be properly licensed to perform the work for which they are responsible.

The Request for Pre-Qualification requires the Bidder to identify and supply information regarding the General Contractor. All Bidders responding to this Request for Pre-Qualification are hereby cautioned that the Contractor's State License Law regulates contractor licensing matters. Each Bidder, in its pre-qualification submittals must disclose all of its license classifications, numbers, and expiration dates.

Bidders are also advised that Contractor and all subcontractors used for the Project must be registered, pursuant to Section 1725.5 of the California Labor Code, with the Department of Industrial Relations ("DIR") at the time of bid opening. This Project is subject to compliance monitoring and enforcement by the DIR.

J. CONFIDENTIALITY

The pre-qualification packages (answers submitted on the Pre-Qualification Questionnaire) submitted by Bidders are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status will become public records subject to disclosure, and the first page of the Pre-Qualification Questionnaire will be used for that purpose.

K. RESERVATION OF RIGHTS OF VTA

VTA reserves, holds and may exercise, at its sole discretion, the following rights and conditions with regard to this Request for Pre-qualification, and by responding to this Request for Pre-Qualification, Bidder acknowledges and consents to the following rights and conditions:

1. VTA reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on gathered information.
2. VTA reserves the right to waive minor irregularities and omissions in the information contained in the submitted Request for Pre-Qualification application.

While it is the intent of the Pre-Qualification Questionnaire and documents to assist VTA in determining Bidder responsibility prior to bid and to aid VTA in selecting the lowest responsive and responsible Bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude VTA from a post-bid

consideration and determination of whether a Bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.



PRE-QUALIFICATION QUESTIONNAIRE

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT CONTRACT No. C19123

SUBMITTAL LOCATION: Santa Clara Valley Transportation Authority
Procurement, Contracts and Materials Management
3331 North First Street, Building A
San José, CA 95134-1906
ATTENTION: Kiet Vu / Pre-Qualification for Contract C19123

BIDDER: _____
(provide name of firm)

DATE: _____

Note: Only this cover page, Parts I through IV of this document (along with any requested or required supporting documents), and Attachment 1 - Statement of Qualification Certification Form are to be submitted.

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PART I: CONTACT INFORMATION

The Bidder must provide all of the following contact information to be considered for further review. The Bidder is the contractor that will execute the Project contract.

A. BIDDER'S CONTACT INFORMATION

1. Firm Name: _____
(as it appears on license)

2. Address: _____

3. Phone Number of Firm: _____ Fax: _____

4. Contact Person & Title: _____
(contact person for this SOQ; contact does not need to be the firm's owner)

5. Contact Person Email: _____

6. Bidder is: a Corporation a Partnership
 a Sole Proprietorship a Joint Venture
 Other legal entity (specify): _____

7. Date of company formation or incorporation: _____

8. Under the laws of what state: _____

B. EXECUTION AND CERTIFICATION

Complete and attach **ATTACHMENT 1 - STATEMENT OF QUALIFICATION CERTIFICATION FORM**. All Information set forth in this SOQ will be certified under penalty of perjury by the Bidder and, if a partnership or joint venture, its general partners or joint venture members.

- END OF PART I -

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PART II. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is "No." ¹

1. Contractor possesses a valid and current California Contractor's license for this Project for which it intends to submit a bid.
 Yes No
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
 Yes No
3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
 Yes No Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?
 Yes No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity? ²
 Yes No

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

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

² An additional notarized statement from the surety may be requested by VTA at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

6. Has your contractor's license been revoked at any time in the last five years?
- Yes No
7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
- Yes No
8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?
- Yes No

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

9. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
- Yes No

- End of Part II -

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

Current Organization and Structure of the Business

For Firms That Are Corporations:

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

Name	Position	Years with Co.	% Ownership
	CEO		
	President		
	Secretary		
	Treasurer		

- 1d. 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 per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

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

For Firms That Are Partnerships:

- 1a. Date of formation: _____
- 1b. Under the laws of what state: _____

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm. *(attach additional pages if necessary)*

Name	Position	Years with Co.	% Ownership

1d. 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 per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

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

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
- 1b. Social security number of company owner. _____
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

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

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

- 1a. Date of commencement of joint venture. _____
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

History of the Business and Organizational Performance:

2. Has there been any change in ownership of the firm at any time during the last three years?

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

Yes No

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

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

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

Yes No

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

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

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

Yes No

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

5. State your firm's gross revenues for each of the last three years:

2016: \$ _____

2017: \$ _____

2018: \$ _____

Scored Questions:

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

7. 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.

8. 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 7, 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.

Licenses:

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

License Number	Trade Classification	Date Issued	Expiration Date

10. 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 California State Licensing Board (CSLB) records who meet(s) the experience and examination requirements for each license.

11. Has your firm changed names or license number in the past five years?

Yes No

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

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

Yes No

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

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

Yes No

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

Disputes:

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

Yes No

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

15. 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 Part II question 1c or 1d on this form.

Yes No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify the 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.

16. 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.

* * * * *

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

17. 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 separate signed page identify the claim(s) and provide the project name, date of the claim, name of 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).

18. 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?**

Yes No

If “yes,” on separate signed page identify the claim and provide 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).

* * * * *

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

20. 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 and the year of the refusal.

Criminal Matters and Related Civil Suits:

21. 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

If "Yes," explain on a separate signed page, identifying who was involved, name of the public agency, date of the investigation and the grounds for the finding.

22. 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

If "Yes," explain on a separate signed page, identifying who was involved, name of the public agency, date of the conviction and the grounds for the conviction.

23. 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

If "Yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Bonding:

24. Bonding Capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

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

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

27. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

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

28. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

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

Yes No

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

29. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm 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.

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

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

Once each week or more often

Less than once each week

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

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

	Year	List EMR
Most recent available year		
Previous year		
Year prior to previous year		
Three-year average EMR:		

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

33. 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.)

Prevailing Wage and Apprenticeship Compliance Record:

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

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

Yes No

If "Yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

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

Yes No

If "Yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

36. 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 work project for which you are awarded a contract by VTA.

Name: _____

Address: _____

Telephone: _____

37. If your firm operates its own State-approved apprenticeship program, **provide the following information on a separate page and insert in this Part III.**
- a. Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
 - b. State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
 - c. State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

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

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No

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

Not Scored - For Information Only:

39. The following is required for information only and will not be used as prequalification criteria.

In the past five years, has a governmental agency claimed that your firm violated any law, rule or regulation including the laws of any country, state or locality?

Yes No

In the latter situation, indicate whether your firm has been required to pay a penalty or fine equal to greater than \$10,000 or required to take remedial action costing \$10,000 or more, or whether members of the firm have been subject to periods of incarceration of 30 days or more.

- **End of Part III** -

PART IV. RECENT CONSTRUCTION PROJECTS COMPLETED

Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years.³ Names and references must be current and verifiable.

Use separate sheets of paper for each project. Use the form on the next page or substitute a similar form that has the same order of requested information.

³ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.

PROJECT DATA SHEET # ____
(One data sheet per project; number each sheet)

NAME OF BIDDER: _____

Project Name: _____	
Project Location: _____	
Owner	
Owner Contact Name	
Owner Contact Phone No.	
Owner Contact Email	
Architect or Engineer (A/E)	
A/E Contact Name	
A/E Contact Phone No.	
A/E Contact Email	
Construction Manager Name	
Construction Manager Phone No.	
Construction Manager Email	
Description of Project and Scope of Work Performed	
Total Value of Construction (including change orders)	
Original Scheduled Completion Date	
Time Extensions Granted (number of days)	
Actual Date of Completion	

- End of Part IV -

ATTACHMENT 1 - STATEMENT OF QUALIFICATION CERTIFICATION FORM

CERTIFICATION:

The undersigned is/are a legally authorized representative(s) of the Entity, and hereby declare that I am/ we are submitting this Request for Pre-Qualifications; I am/we are duly authorized to sign this Request for Pre-Qualifications on behalf of the above named firm; and I/we have read all the answers herein and know all of their contents and that all information set forth in this Request for Pre-Qualifications and all attachments hereto are, to the best of my/our knowledge, true, accurate and complete as of its submission date.

The undersigned certifies and declares under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed in

_____ County, California, on _____.

(Date)

Signature: _____ Date: _____

BIDDER's Typed Name and Title:

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ATTACHMENT 2 - VALIDATION STATEMENT

Applicant Firm: _____

Tax ID No. or SSN _____



PRIME CONTRACTOR PRE-QUALIFICATION VALIDATION STATEMENT

A copy of this VALIDATION FORM must be completed and signed by at least one General Partner, Owner, Principal or Officer Authorized to Legally Commit the Applicant Firm. Submit to VTA on or before the date specified for Pre-Qualification Packages are due.

NOT TO BE SUBMITTED WITH APPLICATION – FOR VALIDATION ONLY

RFP or IFB Name and Number _____

DECLARATION

I, (printed full name) _____ hereby declare under penalty of perjury under the laws of the United States of America and of the State of California that I am the (position or title) _____ of (firm name) _____, and that I am duly authorized to execute this Validation Statement on behalf of this entity. I acknowledge that any false, deceptive or fraudulent statements on this Validation Statement will result in denial of pre-qualification. I hereby certify and declare that:

The Pre-Qualification Application dated _____ on file with VTA is correct and current as submitted.

-OR-

The Pre-Qualification Application dated _____ on file with VTA is correct and current as submitted, except as modified by the attached changed pages and/or attachments to said application. (Applicants may attach additional sheets to describe changes). Attach recent financial statements if previous are more than one year old.

Date: ___/___/___

Signature of Person Certifying for Applicant Firm

A MATERIAL FALSE STATEMENT, OMISSION OR FRAUDULENT INDUCEMENT MADE IN CONNECTION WITH THIS PRE-QUALIFICATION IS SUFFICIENT CAUSE FOR DENIAL OF THE APPLICATION OR REVOCATION OF A PRIOR APPROVAL, THEREBY PRECLUDING THE APPLICANT FIRM FROM DOING BUSINESS WITH, OR PERFORMING WORK FOR VTA, EITHER AS A PRIME CONTRACTOR, SUBCONTRACTOR OR SUPPLIER FOR A PERIOD OF THREE YEARS. IN ADDITION, SUCH FALSE SUBMISSION MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES. [TITLE 18 USC 1001, FALSE STATEMENTS; CALIFORNIA PENAL CODE SECTION 132, OFFERING ALTERED OR ANTE-DATED OR FORGED DOCUMENTS OR RECORDS; AND SECTION 134, PREPARING FALSE DOCUMENTARY EVIDENCE.]

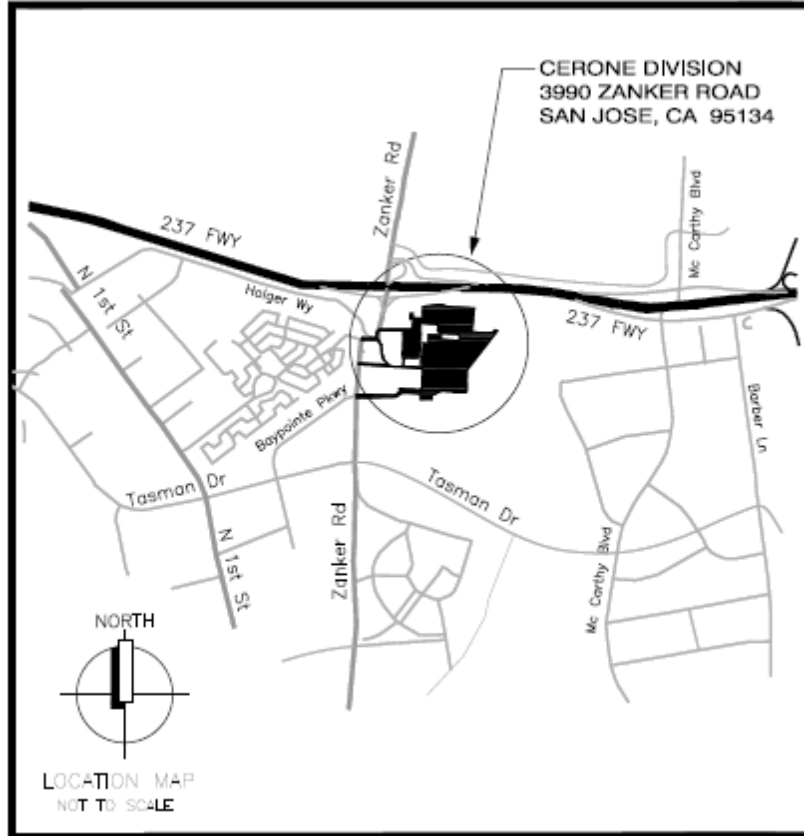
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APPENDIX A: PROJECT SITE MAP

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Santa Clara Valley Transportation Authority
Cerone Division Boiler & Propane Tank Replacement
Contract C19123

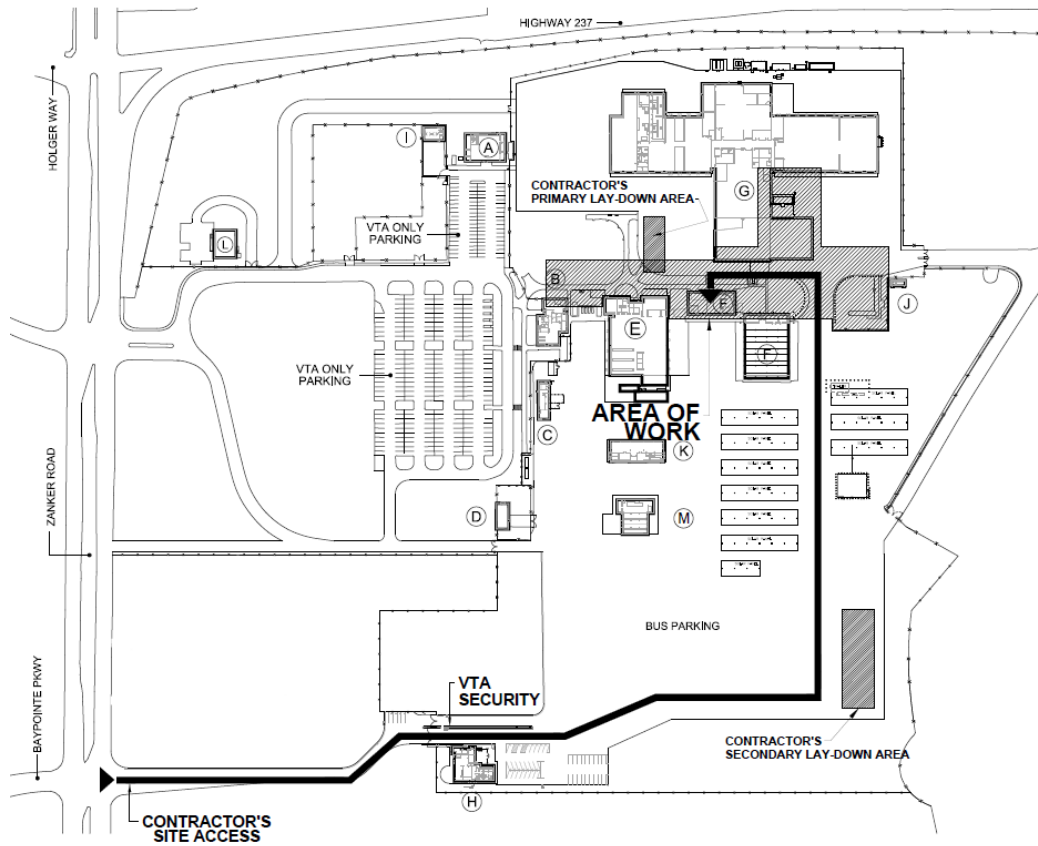
Site Map



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Santa Clara Valley Transportation Authority Cerone Division Boiler & Propane Tank Replacement Contract C19123

Area of Work



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APPENDIX B: SCORING MATRIX

Note: References to Part I, Part II, Part III and Part IV refer to the Parts of the Pre-Qualification Questionnaire.

A. PART I: CONTACT INFORMATION

Part I seeks information about the makeup of the BIDDER, and is for identification purposes only. There is no evaluative scoring value for these parts.

B. PART II: ESSENTIAL REQUIREMENTS FOR QUALIFICATION

This part seeks information about the BIDDER, and consists of pass/fail questions. This is the first step in rating the BIDDER. A Bidder that “fails” any one of the questions 1-9 listed in Part II will be disqualified (except with respect to certain questions providing additional requirements for consideration).

C. PART III: ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

The first set of questions (Questions 1 to 5) seek information about the organization and structure of the BIDDER. There is no evaluative scoring value for these questions.

The next sets of questions (Questions 6 to 38) are scored. Refer to the Scoring Matrix on the next page.

D. PART IV:

This part seeks information about the Bidders project experience and requests contact information for each project.

Interviews will be conducted based on this information and scored. Refer to APPENDIX C: INTERVIEW QUESTIONNAIRE for the set of questions and passing score.

To prequalify, the Bidder must have a passing grade within each of the two sections identified below.

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT
Contract C19123

QUESTION #	QUANTITY	YES	NO	SCORE
6	6 yrs + = 5 pts 5 yrs = 4 pts 4 yrs = 3 pts 3 yrs or less = 2 pts	N/A	N/A	
7	N/A	0	3	
8	N/A	0	3	
Questions 9 to 12 are not scored				
13	N/A	0	5	
14	5 pts for 0 project with \$50,000 + LDs <u>or</u> 1 project with LD 3 pts for 2 projects with \$50,000 + LD 0 pt for any other answer	N/A	N/A	
15	N/A	0	5	
16	N/A	0	5	
17	If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 instance 3 pts for "Yes" with 2 instances 0 pts for "Yes" with more than 2 instances If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with 1, 2, or 3 instances 3 pts for "Yes" with 4 or 5 instances 0 pts for "Yes" with more than 5 instances	N/A	N/A	
18	If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 instance 3 pts for "Yes" with 2 instances 0 pts for "Yes" with more than 2 instances If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with 1, 2, or 3 instances 3 pts for "Yes" with 4 or 5 instances 0 pts for "Yes" with more than 5 instances	N/A	N/A	
19	5 pts for "No" or "Yes" with 1 claim 3 pts for 2 claims -5 pts for more than 2 claims	N/A	N/A	
20	5 pts for "No" or "Yes" with 1 instance	N/A	N/A	

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT
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QUESTION #	QUANTITY	YES	NO	SCORE
	3 pts for 2 instances 0 pt for more than 2 instances			
21	N/A	-5	5	
22	N/A	-5	5	
23	N/A	-5	5	
Questions 24 and 26 are not scored				
25	5 pts for rate ≤ 1% 3 pts for rate no higher than 1.10% 0 pts for any other answer	N/A	N/A	
27	N/A	0	5	

TOTAL SCORE – QUESTIONS 6 TO 27	
<input type="checkbox"/>	Pass (scored 57 to 76)
<input type="checkbox"/>	Disqualified - total score is less than 57

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT
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QUESTION #	QUANTITY	YES	NO	SCORE
28	<p>If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 instance 3 pts for "Yes" with 2 instances 0 pts for "Yes" with more than 2 instances</p> <p>If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with 1, 2, or 3 instances 3 pts for "Yes" with 4 or 5 instances 0 pts for "Yes" with more than 5 instances</p>	N/A	N/A	
29	<p>If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 instance 3 pts for "Yes" with 2 instances 0 pts for "Yes" with more than 2 instances</p> <p>(continuance of Question 29)</p> <p>If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with 1, 2, or 3 instances 3 pts for "Yes" with 4 or 5 instances 0 pts for "Yes" with more than 5 instances</p>	N/A	N/A	
30	<p>If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 instance 3 pts for "Yes" with 2 instances 0 pts for "Yes" with more than 2 instances</p> <p>If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with 1, 2, or 3 instances 3 pts for "Yes" with 4 or 5 instances 0 pts for "Yes" with more than 5 instances</p>	N/A	N/A	
31	<p>3 pts for once a week or more often 0 pts for any other answer</p>	N/A	N/A	
32	<p>5 pts for 3- year average EMR of ≤ 0.95 3 pts for 3- year average EMR of 0.95 to 1.00</p>	N/A	N/A	

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT
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QUESTION #	QUANTITY	YES	NO	SCORE
	0 pts for any other EMR			
33	5 pts for "No" or "Yes" with 1 instance 0 pts for any other answer	N/A	N/A	
34	If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 or 2 instances 3 pts for "Yes" with 3 instances 0 pts for "Yes" with more than 3 instances If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with ≤ 4 instances 3 pts for "Yes" with 5 or 6 instances 0 pts for "Yes" with more than 6 instances	N/A	N/A	
35	If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 or 2 instances 3 pts for "Yes" with 3 instances 0 pts for "Yes" with more than 3 instances If firm's average gross revenue for the last 3 years was > \$50M: 5 pts for "No" or "Yes" with ≤ 4 instances 3 pts for "Yes" with 5 or 6 instances 0 pts for "Yes" with more than 6 instances	N/A	N/A	
36	5 pts for 1 or more approved apprenticeship program is listed. 0 pts for any other answer	N/A	N/A	
37	5 pts for 1 or more persons completed an approved apprenticeship program while employed by the firm. 0 pts for no person completed an approved apprenticeship program	N/A	N/A	
38	If firm's average gross revenue for the last 3 years was < \$50M: 5 pts for "No" or "Yes" with 1 or 2 instances 3 pts for "Yes" with 3 instances 0 pts for "Yes" with more than 3 instances	N/A	N/A	

QUESTION #	QUANTITY	YES	NO	SCORE
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If firm's average gross revenue for the last 3 years was > \$50M:
5 pts for "No" or "Yes" with ≤ 4 instances
3 pts for "Yes" with 5 or 6 instances
0 pts for "Yes" with more than 6 instances

TOTAL SCORE – QUESTIONS 28 TO 38
<input type="checkbox"/> Pass (scored 38 to maximum 53)
<input type="checkbox"/> Disqualified - total score is less than 38

APPENDIX C: INTERVIEW QUESTIONNAIRE

The highest possible score is 120 Points. A score less than 55 points disqualifies a contractor from bidding on this project. For a score of between 56 and 72, conduct an interview of another contact, that is, a manager of another completed project. A score of 72 or higher on each of two interviews is sufficient for pre-qualification.

Company to be Pre-Qualified : _____
VTA Project to be Pre-Qualified for : _____
Company to be Interviewed : _____
Company Contact Person : _____
Contact Person's Phone Number : _____
Contact Person's Email Address : _____
Referenced Project : _____

NUMBER	QUESTION	SCORE
1.	On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel?	Score: _____
2.	On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision?	Score: _____
3.	On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job?	Score: _____
4.	On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates?	Score: _____
5.	On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved?	Score: _____
6.	On a scale of 1 to 10, with 10 being the best, was the project completed by the contractor on schedule? (10 = completed on schedule including approved time extensions, 1 = significant and harmful delays)	Score: _____
7.	On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work.	Score: _____
8.	On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change	Score: _____

CERONE DIVISION BOILER & PROPANE TANK REPLACEMENT
Contract C19123

NUMBER	QUESTION	SCORE
	order was issued, and how well the contractor integrated the change order work into the existing work.	
9.	On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and punch list items?	Score: _____
10.	On a scale of 1-10, Has the contractor made any claim, dispute or lawsuit in excess of \$50,000 concerning work or payment? (10 = no claims > \$50K, 5 = 1 claim, 0 = many claims).	Score: _____
11.	On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")	Score: _____
12.	On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall?	Score: _____
13.	Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)	# of stop notices, liens or claims: _____

PRE-QUALIFICATION INTERVIEW RESULT				
SECTION	POSSIBLE SCORE	PASSING SCORE	EARNED SCORE	RESULT
Question No. 1 to Question No. 12	120	55	_____	
Deduction as per Question No. 13	0	0	_____	
Total	120	55	_____	<input type="checkbox"/> Passed <input type="checkbox"/> Failed

Interviewer: _____

Signature: _____

Date: _____