

PUBLIC WORKS
PRE-QUALIFICATION
OF CONTRACTORS

LABOR COMMISSIONER'S
MODEL QUESTIONNAIRE

MARCH 2019



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INTRODUCTION AND OVERVIEW OF THE 1999 LAW AND ITS APPLICATION

I. IMPORTANT PROVISIONS OF THE 1999 LAW

In 1999, the Legislature enacted a law that allows many public agencies to require licensed contractors that wish to bid for public works jobs to “pre-qualify” for the right to bid on a specific public works project, or on a public works project undertaken by a public agency during a specified period of time. Public Contract Code section 20101 has the relevant provisions; it was enacted as part of Assembly Bill 574.

The law applies to all cities, counties, and special districts but does not apply to K-12 school districts (which have similar authority to create pre-qualification procedures, described in Public Contract Code section 20111.5, which was enacted in 1997).¹

The law does not require any public agency to adopt a pre-qualification system. Instead, it authorizes every public agency to adopt a pre-qualification system, and describes certain requirements that must be met (described below), if a public agency chooses to adopt such a system.

In fact, the 1999 law allows a public agency to establish two different kinds of pre-qualification procedures for public works projects. The law allows a public agency to establish a pre-qualification procedure linked to a single project (Section 20101[d]). Or, the public agency may adopt a procedure by which a contractor may qualify to bid on projects which are put out for bid by that agency for a period of one year after the date of initial pre-qualification. (Section 20101[c]).

The law requires every public agency that creates either kind of pre-qualification procedure to:

- (1) use a “standardized questionnaire and financial statement in a form specified by the public entity”(Section 20101[a]);
- (2) adopt and apply a uniform system of rating bidders on objective criteria, on the basis of the completed questionnaires and financial statements (Section 20101[b]);
- (3) create an appeal procedure, by which a contractor that is denied pre-qualification may seek a reversal of that determination. (Section 20101[d]).

II. ROLE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS AND THE LABOR COMMISSIONER

Assembly Bill 574 required the Department of Industrial Relations (DIR) to “develop model guidelines for rating bidders, and draft the standardized questionnaire.” It required DIR to “consult with affected public agencies, cities and counties, the construction industry, the surety industry, and other interested parties.”

From January through October 2000, DIR held a series of meetings in Sacramento with representatives of public agencies and other interested parties. Each meeting was attended by more

¹ Community College Districts also have specific authority to carry out pre-qualification procedures, in Public Contract Code section 20651.5, enacted in 1998. Community College Districts may also be covered by AB 574, since they are not specifically exempted.

than 25 representatives of interested parties. All told, more than 60 people participated in at least one such meeting, and most representatives participated in more than one. Contractors, public agencies both large and small, and associations of each were well represented throughout the series of meetings. DIR's initial draft of a questionnaire was revised after each meeting, and each revised draft was discussed at the next meeting, leading to additional revisions. Eventually, there was widespread consensus that the model questionnaire offered a system of rating bidders based on objective criteria, and a useful and appropriate series of questions. In addition, DIR, in compliance with the 1999 legislation, created model guidelines for rating bidders.

Throughout 2016 and part of 2017 the Labor Commissioner held a series of meetings with key stakeholders, representatives of public agencies, unions, contractors, and other interested parties in order to update and enhance the model questionnaire and rating system. The Labor Commissioner engaged with many representatives of the construction industry through individual meetings with stakeholders and public agency representatives, as well as by attending public agency pre-bid meetings and conferences of industry associations attended by over 100 people. The updated model questionnaire and rating system included in this packet was revised to offer a more effective system of rating bidders based on the input provided during these meetings.

III. AN OVERVIEW OF THE DOCUMENTS IN THIS PACKAGE

Included in this package are:

1. Instructions for awarding bodies
2. A model questionnaire to be sent to contractors. The questionnaire includes spaces for answers to be provided by the contractors, with the forms to be returned to the public agency.² As required by the legislation, the information provided to the public agency by the contractors, other than the names, addresses and contractor license numbers of the contractors applying – is to be kept confidential.
3. A model scoring system, for rating the answers given by the contractors and by the references. Note: the documents provided here by DIR are designed to collect the information that a public agency will need to carry out a pre-qualification procedure, and the DIR has proposed a rating system. Each public agency, however, is free to devise its own “uniform system of rating prospective bidders . . . based on objective criteria.” For example, each public agency may determine its own scoring system and its own passing scores for different portions of the questionnaire and some may choose to implement a uniform rating system for the Project References interview questions.
4. A model series of questions to be used by representatives of the public agency when interviewing persons who are identified by contractors as their “references” (in Section E of the questionnaire) – owners of projects that have been completed by each contractor in the recent past.

² The documents included in this package can be found at the Department of Industrial Relations website at www.dir.ca.gov/prequal.htm.

5. Two alternative forms: model announcements of pre-qualification procedures. Each is a summary and explanation of the pre-qualification procedure, prepared primarily for licensed contractors, although available for the general public as well. There are two slightly different versions of this document: one explains the pre-qualification procedure linked to a single project,³ while the other explains the procedure of pre qualification valid for one year.
6. A list of sources of information that may be used by a public agency to verify the accuracy of many of the answers given by the contractors to the questions on the questionnaire.⁴

IV. APPEAL PROCEDURE

Section 20101(d) requires every public agency that requires prospective bidders to pre-qualify pursuant to this law to establish “a process that will allow prospective bidders to dispute their proposed pre-qualification rating prior to the closing time for receipt of bids.” The appeal process must include written notification by the public agency of the basis for the prospective bidder’s disqualification “and any supporting evidence that has been received from others or adduced as a result of an investigation by the public entity.” (section 20101[d][1]). “The prospective bidder must be given an opportunity to rebut any evidence used as a basis for disqualification and to present evidence to the public entity as to why the prospective bidder should be found qualified.” (section 20101[d][2]). The law does not describe the appeal procedure in any additional detail; each public agency is free to adopt its own procedures, as long as the statutory requirements are met. As an example, while Section C of the model questionnaire includes thirteen “Essential Criteria Questions,” a public agency may choose to allow contractors to appeal a disqualification based solely on an answer to a question in Section C.

DIR has devised two different schedules for appeal procedures. One schedule would be used in a system for pre-qualification for a single project. The sequence of steps in this appeal procedure are scheduled to allow for an appeal decision at least four business days prior to the submission for bids for the single project. The other schedule for an appeal is applicable to a system in which prospective bidders seek pre-qualification valid for one year, without a link to

³ The explanation included in this document assumes that the pre-qualification procedure is taking place after the RFP or project announcement is published. A public agency may choose, instead, to have the pre-qualification procedure start and end prior to the solicitation of bids for the specific project. If that is the case, the public agency would have to modify the document offered here to explain the sequence of events.

⁴ **A CAUTIONARY NOTE:** The information that will be given to public agencies by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification, and may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract. We expect that the information given should be and will be accepted at face value in most instances. Our list of sources of information available to the public is provided for use where a public agency reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified in this manner.

the bidding on a specific project. These two appeal sequences are described in the explanation to contractors (the two documents referred to in paragraph 5, above).

Each public agency should be certain that it distributes to licensed contractors only the description that is appropriate for the pre-qualification procedures that are in use.

There are a number of laws and court decisions that affect the nature of an appeal hearing provided by a public agency. Each public agency should consult its own attorneys for advice in this area.

V. APPLICATION OF THE PUBLIC RECORDS ACT

AB 574 provides that “The questionnaires and financial statements shall not be public records and shall not be open to public inspection; however, records of the names of contractors applying for pre-qualification status shall be public records subject to disclosure” under the Public Records Act. (Section 20101[a]). The model questionnaire forms provided by DIR indicate that the cover page of each questionnaire is a public record, and that all other pages of the questionnaire are not public records.

VI. WHAT ARE THE LAW’S PROVISIONS REGARDING PRE-QUALIFICATION OF SUBCONTRACTORS

Public agencies are not required to pre-qualify subcontractors, nor are public agencies prohibited from doing so. Section 20101(f) says:

Nothing in this section shall preclude the awarding agency from pre-qualifying or disqualifying a subcontractor. The disqualification by an awarding agency does not disqualify an otherwise pre-qualified [general] contractor.

INSTRUCTIONS FOR AWARDING BODIES

INSTRUCTIONS FOR AWARDING BODIES

Contractors who wish to be pre-qualified must submit a completed pre-qualification questionnaire to the awarding body for review. Contractors are required to provide any additional information and/or documentation as instructed on the questionnaire. The Model Pre-qualification Questionnaire can be found on pages 10 to 27.

A Contractor will be automatically pre-qualified if the responses submitted to all questions in Sections C and D do not raise concerns. A Contractor that does not automatically pre-qualify by “passing” Sections C and D is subject to additional scrutiny. If additional scrutiny is required, the awarding body will review and evaluate the required supporting documentation and use a numerical scorecard to determine whether the Contractor is pre-qualified as described below.

SECTION C. ESSENTIAL CRITERIA QUESTIONS

Contractor is immediately disqualified if:

- Any answer to questions 1 through 6 is “NO”
- Any answer to questions 7 through 13 is “YES”

If the Contractor is not immediately disqualified based on its answers to the questions in Section C, the awarding body may assume that the Contractor has passed this pre-qualification section. However, the awarding body may require additional information be submitted to verify the accuracy of the responses provided on the Questionnaire.

SECTION D. PRE-QUALIFICATION CRITERIA QUESTIONS

Contractors are required to answer questions 1 through 21 and must provide additional information to the awarding body for any questions where the answer is not “0”. The awarding body will then use this information to calculate a score for Section D in order to determine eligibility for pre-qualification.

All questions in which the Contractor’s response is not “0” are scored. If all of the Contractor’s responses to questions 1 through 21 are “0” the awarding body may assume that the Contractor has passed this pre-qualification section. However, the awarding body may require additional information from the Contractor to verify the accuracy of the responses provided.

If the answer to any of questions 1 through 21 is not “0”, additional scrutiny is required and the awarding body will analyze the issues using the following two factors:

1. Whether the incident was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or Subcontractor.

AND

2. Whether the Contractor or Subcontractor has a prior history or several incidents of the issue are reported.

The Contractor is required to provide additional documentation for all answers which are not “0”. The awarding body will review the additional documents to calculate a final score between 1 and 5 using the above criteria for each question.

The first factor requires the awarding body to assign a score based on the culpability of the Contractor. A score of 1 is assigned where the incident is clearly the result of a good-faith mistake and a score of 5 is assigned where the incident is clearly an overtly willful action for which the Contractor is culpable. The second factor requires the awarding body to assign a score based on the prior history of the issue being reported. A score of 1 is assigned where only a single incident exists, a score of 2 is assigned where two incidents exist, etc. up to a score of 5 assigned where five or more incidents of that kind exist.

Certain questions in Section D are weighted two times as much as others based on the severity of the actions and level of a Contractor’s control over those actions. These questions are given additional weight because they involve significant concerns as to whether a Contractor should be pre-qualified. Also, scores were given additional weight based on a Contractor’s level of control over those issues. For example, prevailing wage violations committed by a subcontractor receive less weight than a violation by the Contractor. These questions are scored as follows: If the first factor receives a score of 5 and the second factor receives a score of 4, the total score for a “Red Flag” question would be 18. The calculation can be seen as follows: $((5+4) \times 2 = 18)$. The following questions are assigned additional weight as explained above: 1 through 3, 5 through 6, 8, 10 through 12, 15 through 18, and 20.

The awarding body may use the Scoring Worksheet on page 27 (also provided separately in excel format), to calculate the Contractor’s overall weighted score for Section D. **A contractor pre-qualifies only if the overall score is 35 or less, and is disqualified if the overall score is greater than 35.**

SECTION E. PROJECT REFERENCES

Section E is not scored, but allows the awarding body to collect information about a Contractor’s six most recent public works projects. The information is meant to assist the awarding body to conduct the interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the Contractor wishing to pre-qualify. This may also provide the awarding body to verify answers provided in sections C and D.

LABOR COMMISSIONER'S MODEL PRE-QUALIFICATION QUESTIONNAIRE

CONTRACTOR PRE-QUALIFICATION QUESTIONNAIRE

A. CONTRACTOR INFORMATION

(All Questions Must Be Answered)

Firm Name (as it appears on CSLB license): _____

Firm Type (Select one): ☐ Corporation ☐ LLC ☐ Partnership ☐ Sole Proprietorship ☐ Joint Venture

Contact Person/Title: _____

(List Owner(s) if Firm is a Sole Proprietorship or Partnership)

Local Address (P.O. Box is not acceptable):

Address 1: _____

Address 2: _____

City: _____

Zip: _____

Office Telephone: _____

Contact Mobile: _____

Fax Number: _____

E-mail Address: _____

List all California construction or other professional license numbers, classifications and expiration dates held by your firm:

| License Number | Classification | Expiration Date |
|----------------|----------------|-----------------|
| | | |
| | | |
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List your firm's DIR Public Works Contractor (PWCR) Registration Number(s):

| PWCR Number | Entity Name | Expiration Date |
|-------------|-------------|-----------------|
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If any of your firm's license(s) are held in the name of a corporation, limited liability company, or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

| License Number | Qualifying Individual | Expiration Date |
|----------------|-----------------------|-----------------|
| | | |
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B. CURRENT ORGANIZATION AND STRUCTURE

Complete the section below for the appropriate type of firm:

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 percent of the corporation's stock:

| Name | Position | Years with Firm | % Ownership |
|------|----------|-----------------|-------------|
| | | | |
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| | | | |

- 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

| Person's Name | Construction Firm | Date of Person's Participation with Firm |
|---------------|-------------------|--|
| | | |
| | | |
| | | |
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| | | |

For Firms That Are Limited Liability Companies (LLC):

- 1a. Date Article of Organization filed: _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for all members of the LLC:

| Name | Position | Years with Firm | % Ownership |
|------|----------|-----------------|-------------|
| | | | |
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- 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

| Person's Name | Construction Firm | Date of Person's Participation with Firm |
|---------------|-------------------|--|
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For Firms That Are Partnerships:

- 1a. Date incorporated: _____
 1b. Under the laws of what state: _____
 1c. Provide all the following information for each partner who owns ten percent or more of the firm.

| Name | Position | Years with Firm | % Ownership |
|------|----------|-----------------|-------------|
| | | | |
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- 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 percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

| Person's Name | Construction Firm | Date of Person's Participation with Firm |
|---------------|-------------------|--|
| | | |
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For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business _____
- 1b. 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 or more of the business, or ten percent or more of its stock, if the business is a corporation.

| Person’s Name | Construction Firm | Date of Person’s Participation with Firm |
|---------------|-------------------|--|
| | | |
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For Firms That Intend to Make a Bid as Part of a Joint Venture:

- 1a. Date of commencement of joint venture: _____
- 1b. Provide all 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 Construction Firm | % Ownership |
|---------------------------|-------------|
| | |
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Note: Explain on a separate sheet. Provide all other pertinent information required in the sections above, for each Corporation, LLC, Partnership, or Sole-Proprietorship that is a part of the Joint Venture.

FOR ALL FIRMS:

2. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

| Construction Firm | Description of Sharing Agreement | Location of Facilities |
|-------------------|----------------------------------|------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

3. State your firm's gross revenues for each of the last three fiscal years:
 Current year (\$): _____
 Previous year (\$): _____
 Year prior to previous year (\$): _____

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

5. Bonding Capacity – Provide documentation from your surety identifying the following:
 Name of Bonding Company/Surety: _____
 Name of Surety Agent: _____
 Address: _____
 Telephone number: _____

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

7. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates on which they were issued:

| Name | Address | Date |
|------|---------|------|
| | | |
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| | | |

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

9. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:
 Current year rate: _____
 Previous year rate: _____
 Year prior to previous year rate: _____

10. Does your firm regularly utilize a third party consultant to review labor compliance documents of subcontractors on a public works project? ☐ Yes ☐ No

11. 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 employ on any public works project awarded by [Public Entity].

| Name | Address | Phone |
|------|---------|-------|
| | | |
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12. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the past three years.

| Name | Address | Phone |
|------|---------|-------|
| | | |
| | | |
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13. If your firm operates its own State-approved apprenticeship program:

- Identify the craft or crafts in which your firm provided apprenticeship training in the past year;
- State the year in which each such apprenticeship program was approved and attach evidence of the most recent California Apprenticeship Council approval(s);
- For each craft, list the number apprentices employed by your firm and the number of individuals that completed apprenticeships while employed by your firm during the last three years.

| Craft | Year | No. Apprentices | No. Completed |
|-------|------|-----------------|---------------|
| | | | |
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14. Has your firm changed names or license number in the past five years? ☐ Yes ☐ No
(If yes, explain on a separate sheet, including the reason for the change.)
15. Has there been any change in ownership of your firm at any time during the last five years? ☐ Yes ☐ No
(If yes, explain on a separate sheet.)

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

16. Is your firm a subsidiary, parent, holding company or affiliate of another construction firm? ☐ Yes ☐ No
(If yes, explain on a separate sheet.)

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.

17. Has any owner, partner and/or officer of your firm operated or been connected to a construction firm under any other name in the last five years not listed in Section A or Section B above at any time in the past five years? ☐ Yes ☐ No

(If yes, provide the person's name, construction firm name, and dates of participation.)

| Name | Construction Firm | Dates of Participation |
|------|-------------------|------------------------|
| | | |
| | | |
| | | |
| | | |

C. ESSENTIAL CRITERIA QUESTIONS

Circle Answer

1. Does your firm possess a valid and current California Contractor's or other professional license as required by law for the project or projects for which it intends to submit a bid? Yes ☐ No ☐
2. Is your firm registered with DIR as a Public Works Contractor for the current fiscal year? Yes ☐ No ☐
3. Does your firm have a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate? Yes ☐ No ☐
4. Does your firm have current workers' compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.? Yes ☐ No ☐
5. Have you attached your firm's latest copy of reviewed or audited financial statements with accompanying notes and supplemental information? * Yes ☐ No ☐

NOTE: Financial statements that are not either reviewed or audited are 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 statements.

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

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

7. Has your contractor's or other professional license been revoked at any time in the last five years? Yes ☐ No ☐
8. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was in default and/or terminated by the project owner within the last five years? Yes ☐ No ☐

Circle Answer

9. Is your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B, ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1, Labor Code section 1777.7, or any other federal, state, county, municipal or other local law providing for the debarment of contractors from public works? Yes ☐ No ☐
10. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B been convicted of a crime involving the awarding of a contract of a government construction project, the bidding or performance of a government contract, antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty? Yes ☐ No ☐
11. Is your firm currently the debtor in a bankruptcy case?
(If yes, attach a copy of the bankruptcy petition showing the case number and date on which the petition was filed.) Yes ☐ No ☐
12. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B ever been terminated from a public works contract, including but not limited to termination based on any misconduct, such as failure to comply with contractual, statutory, or other legal obligations from any public construction project? Yes ☐ No ☐
13. Does your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B currently have any delinquent liability to an employee, the state, or any awarding body for any assessment of back wages or related damages, interest, fines or penalties pursuant to any final judgment, order, or determination by any court or any federal, state, or local administrative agency, including a confirmed arbitration award? Yes ☐ No ☐

* 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)." As of January 1, 2001, the qualifying amount is \$10 million, and 25 percent of that amount, therefore, is \$2.5 million.

** An additional notarized statement from the surety may be requested by [Public Entity] at the time of submission of a bid, if this pre-qualification questionnaire is submitted more than 60 days prior to submission of the bid.

D. PRE-QUALIFICATION CRITERIA QUESTIONS

Prior History

Circle Answer

1. How many times has your firm, or any of its officers, supervisors, or managers, declared bankruptcy at any time during the last five years?

☐0 ☐1 ☐2 ☐3 ☐4 ☐5+

(This question refers only to a bankruptcy action that was not described in your answer to Question 11 in Section C. If yes, attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed, a copy of the Bankruptcy Court's discharge order or any other document that concluded the case if no discharge order was issued.)

2. How many times has your firm, or any of its officers, supervisors, or managers, had an injunction, judgment, order, or lien entered against it for outstanding taxes assessed or fines, penalties and/or unpaid employee wages at any time in the last five years?

☐0 ☐1 ☐2 ☐3 ☐4 ☐5+

(Explain on a separate sheet. Provide details, including the name of the government agency, caption, date, case or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)

3. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging violation of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

☐0 ☐1 ☐2 ☐3 ☐4 ☐5+

(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

4. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging a violation by a subcontractor hired by your firm of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

☐0 ☐1 ☐2 ☐3 ☐4 ☐5+

(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

- Circle Answer
5. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, paid any amount, fine or otherwise, regardless of characterization, to settle any of the allegations listed in Questions 3 and 4 above, whether with or without an admission of responsibility or liability?
- ☐0 ☐1 ☐2 ☐3 ☐4 ☐5+
- (Explain on a separate sheet. Provide details, including the caption, date, case or docket number, and name of the court or agency before which the case was brought.)
6. How many times has your firm, or any of its officers, supervisors, or managers, been debarred, suspended, disqualified, denied a classification rating or pre-qualification or otherwise been declared not responsible to or prevented from bidding or performing work on any public works contract or subcontract in the last five years?
- ☐0 ☐1 ☐2 ☐3 ☐4 ☐5+
- (Explain on a separate sheet. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, name of the person within your firm who was associated with that company, date, owner of the project, project name and information, basis for the action, and case or docket number.)
7. How many times 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?
- ☐0 ☐1 ☐2 ☐3 ☐4 ☐5+
- (Explain on a separate sheet. Identify all such projects by owner, owner's address, date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.)
8. How many times 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?
- ☐0 ☐1 ☐2 ☐3 ☐4 ☐5+
- (Explain on a separate sheet. Identify the amount of each such claim, name and telephone number of the claimant, date of claim, grounds for claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of resolution and amount, if any, at which claim was resolved.)
9. How many times in the last five years has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm?
- ☐0 ☐1 ☐2 ☐3 ☐4 ☐5+
- (Explain on a separate sheet. Name the insurance carrier, form of insurance, and year of refusal.)

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

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. Indicate the date when your firm was denied coverage, name of the company or companies which denied coverage, and the time period during which you had no surety bond in place.)

Criminal Matters and Civil Suits

Circle Answer

11. How many times has your firm, or any of its officers, supervisors, or managers, ever been convicted of a crime involving any federal, state, or local law related to construction?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. Identify who was involved, name of the public agency, date of conviction, and grounds for conviction.)

12. How many times has your firm, or any of its officers, supervisors, or managers, ever been found liable in a civil suit or convicted of a federal or state crime of fraud, theft, or involving any other act of dishonesty, such as making any false claim or material misrepresentations?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. Identify the person or persons convicted or found liable, court [the county if a state court, the district or location if federal court], year, and conduct involved.)

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

13. How many times in the last five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. 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 [e.g. "pending" or, if resolved, a brief description of the resolution].)

14. How many times in the last 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?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. Identify the claim(s) 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 [e.g. "pending" or if resolved, a brief description of the resolution].)

Occupational Health and Safety Compliance

Circle Answer

15. How many times in the last five years has CalOSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violation(s) or the federal Occupational Safety and Health Administration cited and assessed penalties against your firm for violation(s) of safety or health regulations?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

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.

16. How many times in the last five years 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?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet describing each citation.)

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.

17. How many times 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?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain the reason for each absence of workers’ compensation insurance on a separate sheet. If “None,” 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

18. How many times during the last five years, has your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by **your firm**?

○ ○ ○ ○ ○ ○
0 1 2 3 4 5+

(Explain on a separate sheet. Describe the nature of each violation and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

NOTE: Question 18 refers only to the violation of prevailing wage laws by your firm, not to violations by a subcontractor.

19. How many times during the last five years, has your firm or any subcontractors hired by your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by a **subcontractor**?

Circle Answer
○○○○○○○
0 1 2 3 4 5+

(Explain on a separate sheet. Identify the subcontractor's business name and CSLB license number, describe the nature of each violation, and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

NOTE: This question refers only to the violation of prevailing wage laws by subcontractors, not to violations by your firm.

20. How many times during the last five years, has your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

○○○○○○○
0 1 2 3 4 5+

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)

21. How many times during the last five years, has any subcontractor hired by your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

○○○○○○○
0 1 2 3 4 5+

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)



NOTE: Omissions, misrepresentations and any failure to disclose associations with other firms or any prior history of alleged violations may lead to loss of your eligibility to register as a Public Works Contractor, disqualification of bids, and/or grounds for termination of a contract.



E. PROJECT REFERENCES

Provide information about the firm's six most recently completed public works projects and its three largest completed private projects within the last three years. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information*:

For General Contractors: Only list projects your firm performed as the general contractor.

For Subcontractors: Only list projects your firm performed as the prime contractor if a single trade job or as a subcontractor on a multiple trade contract. For multiple trade contracts, indicate the general contractor's name and contact information.

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number): _____

Architect or Engineering Firm: _____

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

Construction Manager (name and current phone number): _____

Inspector of Record (name and current phone number): _____

Description of Project, Scope of Work Performed:

Total Value of Construction
(including change orders): _____

Date Construction Commenced: _____

Original Contractual Completion Deadline: _____

Adjusted Completion Deadline Based on
Time Extensions Granted by Owner: _____

Actual Date of Completion: _____

General Contractor's Project Manager (lead contact in office), if applicable: _____

General Contractor's Superintendent (lead contact on project site), if applicable: _____

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

F. CERTIFICATION

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

Each person signing below makes the following representations under penalty of perjury:

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the [Public Entity] to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

I, _____ (Name), the undersigned, am the _____
(Title), with the authority to act for and on behalf of _____
(Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Pre-qualification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this: _____ day of _____ at _____.
(Date) (Month / Year) (City / State)

Name of Contractor Representative: _____

Signature of Contractor Representative: _____

SCORING WORKSHEET

Section D. PRE-QUALIFICATION CRITERIA

QUESTIONS AND SCORING

| Question Number | Factor #1 - Points | Factor #2 - Points | Multiplying Factor | Total Points |
|-----------------|--------------------|--------------------|--------------------|--------------|
| 1 | | | x2 | |
| 2 | | | x2 | |
| 3 | | | x2 | |
| 4 | | | x1 | |
| 5 | | | x2 | |
| 6 | | | x2 | |
| 7 | | | 1 | |
| 8 | | | x2 | |
| 9 | | | x1 | |
| 10 | | | x2 | |
| 11 | | | x2 | |
| 12 | | | x2 | |
| 13 | | | x1 | |
| 14 | | | x1 | |
| 15 | | | x2 | |
| 16 | | | x2 | |
| 17 | | | x2 | |
| 18 | | | x2 | |
| 19 | | | x1 | |
| 20 | | | x2 | |
| 21 | | | x1 | |
| Total | | | = | |

Factor #1: Whether the incident was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or Subcontractor.

Factor #2: Whether the Contractor or Subcontractor has a prior history or several incidents are reported.

Questions Type:

14 Red Flag Questions (x2)

7 Non-Red Flag Questions (x1)

Notes: The awarding body will review additional documents provided by the Contractor in response to the questions in Section D to calculate a final score using the two factors listed above. A score on a scale of 1 to 5 is assigned to each factor.

Factor #1: A score of 1 is assigned where the incident is clearly the result of a good-faith mistake, and a score of 5 is assigned where the incident is clearly an overtly willful action for which the Contractor is culpable.

Factor #2: A score of 1 is assigned where only a single incident exists, and a score of 5 is assigned where five or more incidents of that kind are reported.

A contractor is PRE-QUALIFIED if the total score above is: 35 points or LESS.

A contractor is DISQUALIFIED if the total score above is: GREATER THAN 35 points.

MODEL INTERVIEW QUESTIONS

MODEL INTERVIEW QUESTIONS

The following questions are optional and may be used by the public agency to interview individuals identified as “project references” in Section E of the questionnaire.

1. Give a brief description of the project.
2. 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)
3. Did the contractor provide adequate personnel?
4. Did the contractor provide adequate supervision?
5. Was there adequate equipment provided on the job?
6. Was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates?
7. Did the contractor adhere to the approved project schedule?
8. Was the project completed on time?
9. Did the contractor timely submit reasonable cost and time estimates to perform change order work?
10. How well did the contractor perform work after a change order was issued, and how well did the contractor integrate the change order work into the existing work?
11. How well did the contractor perform in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items?
12. Given the nature of the project, were there an unusually high number of claims or unusual difficulty in resolving them?
13. Did the contractor make timely payments to either subcontractors or suppliers?
14. How would you rate the quality of the work overall?

**REQUEST FOR
PRE-QUALIFICATION OF
BIDDERS COMMENCING
WITH FORTHCOMING
PUBLIC WORK BID**

**REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING
WITH FORTHCOMING PUBLIC WORK BID
[Pre-qualification procedure begun at the same time as RFP]**

Notice is hereby given that [Public Entity] has determined that all bidders on [Name of specific project] to be undertaken by the [Public Entity] must be pre-qualified prior to submitting a bid on that project. It is mandatory that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by [Public Entity] to be on the final qualified bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a fully completed questionnaire is mm/dd/yy. [35 days prior to the bid closing date]. Contractors are encouraged to submit pre-qualification applications 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 advertisement for this project.

Answers to questions contained in the attached 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. [Public Entity] will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. [Public Entity] reserves the right to check other sources available. [Public Entity's] decision will be based on objective evaluation criteria.

[Public Entity] reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist [Public Entity] in determining bidder responsibility prior to bid and to aid [Public Entity] in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude [Public Entity] 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.

The pre-qualification applications should be submitted under seal and marked "CONFIDENTIAL" to _____[address].

The pre-qualification applications (questionnaire answers and financial statements) submitted by Contractors 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 shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify [Public Entity] and provide updated accurate information in writing, under penalty of perjury.

[Public Entity] reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

Contractors may submit pre-qualification applications during regular working hours on any day that the offices of [Public Entity] are open. Contractors who submit a complete pre-qualification application will be notified of their qualification status no later than ten (10) business days after submission of the information.

[Public Entity] may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by mm/dd/yy [date specified in first paragraph – 35 days before bid closing] There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering notice to [Public Entity] of its appeal of the decision with respect to its pre-qualification rating, no later than ten (10) business days prior to the closing time for the receipt of bids for this public works project. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of [Public Entity], whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after [Public Entity's] receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by a panel to whom the [governing body of Public Entity] has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for [Public Entity's] pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of [Public Entity] that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

Note: A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by [Public Entity], or on all contracts to be let by [Public Entity] until the contractor meets [Public Entity's] requirements. In addition, a contractor may be found not pre-qualified for either:

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

* * * * *

NOTICE: To contractors who are using subcontractors for this job, please be advised that [Public Entity] **may** require, as to subcontractors, one of the following:

☐ The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

☐ Pre-qualification of all subcontractors.

☐ Pre-qualification of subcontractors in certain crafts.

☐ Post-bid qualification review.

**ANNOUNCEMENT OF
PRE-QUALIFICATION
PROCEDURES AND OPEN
DATES FOR ANNUAL
PRE-QUALIFICATION**

ANNOUNCEMENT OF PRE-QUALIFICATION PROCEDURES AND OPEN DATES FOR ANNUAL PRE-QUALIFICATION

Notice is hereby given that on [Date], [Public Entity] determined that all bidders on public works to be undertaken by the [Public Entity] must be pre-qualified prior to submitting bids for public works. It is mandatory that all licensed contractors who intend to submit bids fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by [Public Entity] to be on the final bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

Pre-qualification applications may be submitted four times each year: (1) from January 1 through January 10; (2) from April 1 through April 10; (3) from July 1 through July 10; and (4) from October 1 through October 10. Contractors who submit a complete pre-qualification application will be notified by first class mail of their qualification status, such notice to be mailed no later than fifteen business days after submission of the information.

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. [Public Entity] will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. [Public Entity] reserves the right to check other sources available. [Public Entity's] decision will be based on objective evaluation criteria.

Pre-qualification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that [Public Entity] reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the pre-qualification ratings based on subsequently learned information and after giving notice of the proposed action to the Contractor and an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification determination.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist [Public Entity] in determining bidder responsibility prior to the submission of bids and to aid [Public Entity] in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude [Public Entity] from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. Contractors are encouraged to submit pre-qualification applications as soon as possible, so that they may be notified of pre-qualification status well in advance of upcoming projects.

The pre-qualification applications should be submitted under seal and marked "CONFIDENTIAL" to _____[address].

The pre-qualification applications (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided

will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of an appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify [Public Entity] and provide updated accurate information in writing, under penalty of perjury.

[Public Entity] reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a future public works project.

A contractor who has submitted a completed application, and who receives a rating of “not qualified” from [Public Entity] may appeal that determination. There is no appeal from a finding that a contractor is not pre-qualified because of a failure to submit required information, but re-application during one of the designated time periods is permitted. A contractor may appeal [Public Entity’s] decision with respect to its request for pre-qualification, and request a hearing, by giving notice to [Public Entity] no later than ten business days after receipt of notice of its qualification status. Unless a Contractor files a timely appeal, the Contractor waives any and all rights to challenge the qualification decision of [Public Entity], whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten business days after [Public Entity’s] receipt of its Notice of Appeal. The hearing so provided shall be an informal process conducted by a panel to whom the [governing body of Public Entity] has delegated responsibility to hear such appeals (the “Appeals Panel”). At or prior to the hearing, the Contractor will be advised of the basis for [Public Entity’s] pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the pre-qualification determination. At the conclusion of the hearing or no later than one day after completion of the hearing, the Appeals Panel will render its decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Note: A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by [Public Entity], or on all contracts to be let by [Public Entity] until the contractor meets [Public Entity’s] requirements. In addition, a contractor may be found not pre-qualified for either:

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

* * * * *

NOTICE: To contractors who are using subcontractors for this job, please be advised that [Public Entity] **may** require, as to subcontractors, one of the following:

- ☐ The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

- ☐ Pre-qualification of all subcontractors.
- ☐ Pre-qualification of subcontractors in certain crafts.
- ☐ Post-bid qualification review.

SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

A CAUTIONARY NOTE: *The information that will be given to public agencies by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification, and may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract. We expect that the information given should be and will be accepted at face value in most instances. Our list of sources of information available to the public is provided for use where a public agency reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified in this manner.*

DIR - Public Works Contractor Registration Information

Information on a contractor's DIR Public Works Contractor Registration can be found online. The following link may be used to verify a contractor's current registration: <https://efiling.dir.ca.gov/PWCR/Search>.

Contractor License(s) Information

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors' State Licensing Board (CSLB), 9821 Business Park Drive, Sacramento, CA 95827. Telephone number 800-321-2752. The CSLB web site for public information is: www.cslb.ca.gov.

Workers' Compensation Insurance Information

Every workers' compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor's Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor's workers' compensation insurance carrier.

Some large companies are legally self-insured for workers' compensation, with the consent and authorization of the Department of Industrial Relations. The names of companies that are legally self-insured are available from the Department's Office of Self-Insurance Plans, Workers' Compensation, 11050 Olson Drive, Suite 230, Rancho Cordova, CA 95670; (916) 464-7000. The Office of Self-Insurance Plans web site for public information is: www.dir.ca.gov/osip/

The names of each business's current and recent workers' compensation insurance carriers are available from the Workers' Compensation Insurance Reporting Bureau (WCIRB), 1221

Broadway, Suite 900, Oakland, CA 94612, telephone (888) 229-2472. WCIRB is not a public agency but it provides information to the public. It will provide the names of the current and recent workers' compensation insurance carriers of every employer in California, in response to a written request, for a fee of \$8 for every year for which you seek information. WCIRB's web site for public information is: www.wcirb.com.

Surety or Insurance Carrier Information

The California Department of Insurance will verify whether a surety or an insurance carrier is "admitted" to issue insurance policies within the State. The Department has a "Hot-Line" number 800-927-4357, and a website from which the information is available: www.insurance.ca.gov. The Department of Insurance headquarters is located on 300 Capitol Mall, Suite 1700, Sacramento, CA 95814.

Debarred and Disqualified Public Works Contractor Information

Information on the identities of contractors that have been debarred and disqualified from working on public works contracts is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612. A list of debarred contractors can be found using the following link: <https://www.dir.ca.gov/dlse/debar.html>

Secretary of State Business Entity Information

The California Secretary of State has certain current and historical information about all corporations that operate in California: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. (Secretary of State, Business Programs Division, 1500 11th Street, Sacramento, CA 95814. Telephone (916) 653-6814 or (916) 657-5448). Public information from the California Secretary of States is available at their website: www.sos.ca.gov. The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

County Clerks Business Entity Information

Every business, including a partnership, that operates under a "fictitious name" (for example, "Ajax Sheet Metal Contractors" or "Smith Brothers Electrical Contractors") is required to file with the County Clerk in the county in which its home office is located a "Fictitious Business Name" statement. This statement will indicate the owner of the business, if the business is a sole proprietorship, and the names of partners, if the business is a partnership. The information is available to the public from the County Clerk Office upon request. Requests should be made to the County in which the business is operating. It may be necessary to submit such a request in writing.

Bankruptcy Information

Bankruptcy petitions, which include the name of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In California, Bankruptcy Courts are located in Sacramento, Modesto, Fresno, San Francisco, Oakland, San Jose, Los Angeles, Santa Ana, Riverside, and San Diego. Most documents filed in court in bankruptcy proceedings are available for public inspection, at the Bankruptcy Court clerk's office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records. In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at <http://pacer.psc.uscourts.gov/>.

State Civil and Criminal Case Information

Each court keeps records of every civil suit filed in that county, and of the judgments issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the California Public Records Act.

Criminal convictions are a matter of public record. Each website has an index of its own criminal case records at <http://www.courts.ca.gov/>. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

Federal Civil and Criminal Case Information

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the "PACER" (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or register online at <http://pacer.psc.uscourts.gov/>.

Industrial Safety and Health Laws Compliance Information

Information about citations issued by both the federal Occupational Safety and Health Administration and the California Division of Occupational Safety and Health (Cal OSHA) are available on a website maintained by federal OSHA, <http://www.osha.gov>. At that web site, click on "Data." On the Data page, click on "Statistics and Inspection Data." Next, click on "Establishment Search." When the next screen appears, enter the name of the contractor (entity) about whom you seek information in the "Establishment" window. Click on California in the "State" window. In the "Inspection Date" window, enter the date range in which you would like to request information. Then click the submit button.

Prevailing Wage Compliance Information

Information about recent prevailing wage law violations is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612, telephone (844) 522-6734. Requests may also be sent by email to: Publicworks@dir.ca.gov. Additional public information can be found at their website: www.dir.ca.gov/dlse.

Air Quality or Water Quality Board Citation Information

Information about citations issued by the California Air Resources Board is available from that agency under the Public Records Act. Their address is 1001 "I" Street Sacramento, CA 95814, or Post Office Box 2815, Sacramento, 95812. In addition, Regional Air Quality Management Districts and Regional Water Quality Control Boards throughout the state may issue citations for violation of air quality or water quality standards. Consult the appropriate board in your area for information about how to gather appropriate information. For other information they can be reached at by phone at (800) 242-4450 or by email: helpline@arb.ca.gov. Additional public information can be found at their website: ww2.arb.ca.gov.

Apprenticeship Programs and Compliance Information

Information about state-approved apprenticeship programs can be obtained from the Division of Apprenticeship Standards, 1515 Clay St, 3rd floor, Room 301, Oakland, CA 94612, telephone (415) 703-4920 or email: DAS@dir.ca.gov. A database of all state-approved apprenticeship programs can be obtained at the following link: <https://www.dir.ca.gov/databases/das/aigstart.asp>.

Information about violations of state apprenticeship laws is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 1515 Clay Street, Suite 401, Oakland, CA 94612, telephone (844) 522-6734. Requests may also be sent by email to: Publicworks@dir.ca.gov. Additional public information can be found at their website: www.dir.ca.gov/dlse.