

**DISTRICT
ADMINISTRATION**

Marla Stephenson
Superintendent

Laurie Harden
Assistant Superintendent



ALBANY UNIFIED SCHOOL DISTRICT

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**BOARD OF
EDUCATION**

Ronald Rosenbaum
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Dr. Patricia Low
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February 22, 2010

To whom it may concern:

The Albany Unified School District is pleased to be moving towards the construction phase of our new Albany High School Aquatic Center. The Aquatic Center is comprised of one indoor pool, one outdoor pool, and the associated support facilities. The project is anticipated to be approved by DSA in June 2010. The Aquatic Center will open in May 2011.

The project will be advertised and publicly bid. The exact bid schedule will be established once the plans are approved by DSA.

To ensure the project is awarded to a General Contractor that has the necessary financial capabilities and necessary public works project experience, the Albany Unified School District will be pre-qualifying general contractors as provided by California Public Contract Code Section 20111.5.

I encourage your firm to complete and submit the attached pre-qualification package. If you have any questions, please contact the Aquatic Center Project Manager, David Burke, at david@holloconstruction.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marla Stephenson', followed by a horizontal line extending to the right.

Marla Stephenson
Superintendent of Schools

ALBANY UNIFIED SCHOOL DISTRICT

CONTRACTOR'S PRE-QUALIFICATION FOR THE ALBANY HIGH SCHOOL AQUATIC CENTER PROJECT

As a condition of bidding on the above-referenced Project and in accordance with the provisions of California Public Contract Code section 20111.5, prospective bidders are required to submit to the District, no later than 4:00 PM on April 6, 2010, a completed pre-qualification package on forms supplied by the District and a financial statement as specified herein. The estimated total value of this project is between \$6.5 million and \$7.5 million.

1. REQUEST FOR PRE-QUALIFICATION OF BIDDERS

The District requires from all prospective bidders answers to all questions contained in a standard form pre-qualification questionnaire, and a detailed financial statement. The pre-qualification questionnaire requests detailed information, including background, experience, financial ability and references in performing public works projects.

These documents will be the basis of rating bidders. All questions must be answered. If a question is not applicable, then indicate a response of "N/A". "You" or "Yours" as used herein refers to the prospective bidders' firm and any of its owners, officers, principals and qualifying individuals.

If additional sheets are required for any of the responses, please attach additional sheets of paper signed by the owner, officer, principal and/or qualifying individual. Failure to provide any information requested may result in a reduced rating or disqualification from bidding on any project subject to the district's pre-qualification policy. Any false statement will result in the immediate disqualification from bidding on all District Projects.

Each prospective bidder shall have a duly authorized owner, officer or principal complete the questionnaire and verify the truth of the information provided therein and in the financial statement.

Each prospective bidder must submit its most current reviewed or year-end reviewed or audited financial statement, which must have been prepared by a Certified Public Accountant within twelve (12) months of each prospective bidder's submission of its pre-qualification package. Each prospective bidder must also provide its most current financial statement, which must have been prepared within three (3) months of each prospective bidder's submission of its pre-qualification package.

Each prospective bidder's reviewed or audited financial statements shall not be made by any individual who is in the regular employ of the Contractor submitting the statement, nor by any individual who has more than a ten percent (10%) financial interest in the Contractor's business.

2. SUBMISSION OF COMPLETED STATEMENTS

A completed pre-qualification questionnaire and financial statements and supporting documents must be submitted to the District on or before **4:00 PM, April 6, 2010**.

Submit completed statements to:

Albany Unified School District
Attn: Rebecca Martinez
904 Talbot Avenue
Albany, CA 94706

Questions may be directed to:

Albany Unified School District
Attn: David Burke, Project Manager
904 Talbot Avenue
Albany, CA 94706
david@bolloconstruction.com

Contractors are directed t not to contact Albany Unified School District Board members or other District staff. Failure to abide by this direction may result in disqualification.

Completed pre-qualification questionnaires and financial statements shall be marked CONFIDENTIAL and mailed or delivered to: Rebecca Martinez, marked "AHS Aquatic Center Pre-Qualification Package."

Bids for the projects will not be accepted from contractors that did not timely submit a completed pre-qualification questionnaire and financial statements to the District. Responses to the questionnaire and financial statement are NOT public records and are NOT open to public inspection.

3. STANDARD OF REVIEW

A committee using a uniform system of rating bidders.

4. NOTIFICATION OF PRE-QUALIFICATION RESULTS

Prospective bidders will be notified of their pre-qualification rating within fifteen (15) business days of the due date for submission of their completed pre-qualification questionnaire and financial statement and supporting documents.

In the event that the prospective bidder is unable to provide a Letter of Bondability in time and form prescribed by the District, the prospective bidder shall be suspended from the qualified Contractor's list and not be allowed to bid on District projects until proof of bondability is provided.

Your bid for the project will be rejected if you are not declared as a qualified bidder at least one day before the bid opening. (Public Contract Code §20111.5(d).)”

5. APPEAL PROCESS

Should a prospective bidder not be deemed qualified in the pre-qualification process, that prospective bidder may appeal the decision to the Superintendent, or their designee. The appeal must consist of a written request to the Superintendent at the address noted above, setting forth the specific reasons for the appeal and must be received by the District within seven (7) calendar days of the receipt of notice of disqualification. The Superintendent, or their designee, shall hold a hearing within three (3) business days of the filing of the notice of appeal and allow the prospective bidder an opportunity to be heard on the disqualification. The appellant and the district may present evidence, testimony and information relevant to the disqualification. The Superintendent, or their designee, shall issue a written decision after the conclusion of the hearing and mail or cause to be delivered said decision to the appellant within three (3) business days.

Should the prospective bidder be dissatisfied with the Superintendent's, or their designee's, written decision, the aggrieved bidder may appeal the same to the Board of Education. This is to be done by filing a written notice of appeal to the Superintendent at the address noted above, setting forth the specific reasons, within five (5) calendar days of receipt of the decision of the Superintendent, or their designee. The Board of Trustees shall hold a hearing on the disqualification within three (3) weeks, or as soon thereafter as possible, of receipt of the notice of appeal. Pending the hearing before the Board of Education, the decision of the Superintendent, or their designee, shall remain in full force and effect. Should the decision of the Superintendent, or their designee, be reversed or revised by the Board of Trustees, the decision shall take effect as of the date of the Board of Trustees decision and shall not be retroactive. The decision of the board of Trustees shall be final. Said decision shall be mailed or delivered to all parties.

It is the intention of the District that any date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

The District 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.

To the extent allowed by law, the information submitted by prospective bidders shall remain confidential except on appeals to the Board of Trustees where information used to decide the appeal will become public.

If you have any questions please e-mail David Burke, Project Manager at david@bolloconstruction.com.

Contractor's General/Financial Information Sheet

1. Contractor's name as it appears on license:

2. Street Address (P.O. Box is not acceptable):

3. City/State/Zip Code:

4. Telephone: () _____ Fax: _____

E-mail address _____

5. License classification(s) and numbers held in California: _____

6. Please attach your most current reviewed or year-end audited financial statement, which must have been prepared by a Certified Public Accountant, within twelve (12) months of each prospective bidder's submission of its pre-qualification package. Also, please provide your most current financial statement that must have been prepared within three (3) months of each prospective bidder's submission of its pre-qualification package.

7. Name of accounting firm and primary contact: _____

Address: _____

Telephone: _____

8. How many years has this accounting firm prepared financial statements for you? ____

Tax returns? _____

9. Banking information:

Name of Bank: _____

Account Manager: _____

Address: _____

Telephone: _____

Account No.: _____

Line of Credit: _____

Amount in Use: _____

How Secured: _____

Expiration Date: _____

(attach extra sheets for additional banks/accounts)

PRE-QUALIFICATION QUESTIONNAIRE

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

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

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

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid?
 Yes No
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate with a per project aggregate endorsement?
 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
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 that your current bonding capacity is sufficient for the project size for which you seek pre-qualification?
 Yes No
NOTE: Notarized statement must be from the surety company, not an agent or broker.
6. Has your contractor’s license been revoked or suspended at any time in the last five years, even if later reinstated retroactively?
 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. Has one of your firm’s contracts ever been terminated by the project owner within the last five (5) years for any reason?
 Yes No

9. 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:

10. 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

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

A. 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 percent of the corporation’s stock.

Name	Position	Years with Co.	% Ownership

- 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 10 percent 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 percent or more of the firm.

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 percent or more of the business, or ten percent 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 percent or more of the business, or ten percent 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

- 1c. On a separate sheet provide all other pertinent information required in the sections above, for each corporation, partnership or sole-proprietorship that is a part of the Joint Venture.

B. 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 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

Yes No

If “yes,” explain on a separate signed page.

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 fiscal years:

6. How many public works projects has your firm completed each of the last three fiscal years?

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

8. Is your firm currently the debtor in a bankruptcy or receivership 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.

9. Was your firm in bankruptcy or receivership at any time during the last five years? (This question refers only to an 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

10. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:
- _____
- _____
11. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.
- _____
- _____
12. 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.
13. 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.
14. 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," please explain on a separate signed sheet.

Disputes

15. At any time in the last five years have liquidated damages been assessed or levied against your firm 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 or levied by the owner, amount of liquidated damages paid or credited by you to the owner, and all other information necessary to fully explain the assessment or levy of liquidated damages.
16. 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" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
 Yes No
If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.
17. 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 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; however, if you forwarded to the project owner any claim based on a claim by a subcontractor or supplier (a "pass through" claim), you must include information about it.**
18. In the past five years has any claim (including a complaint) 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 sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature and amount of the claim (including a breakdown of the major elements 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. In the past five years has your firm filed any claim (including a complaint) in court or arbitration against a project owner concerning work on a project or payment for a contract?
 Yes No
If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature and amount of the claim (including a breakdown of the major elements 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).

20. At any time during the past five years, has any surety company made any payments on your firm's behalf 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 if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

21. 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

22. 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, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

23. 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, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

24. 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 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

25. Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

26. 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 five years, state the percentage that your firm was required to pay, identify the project, identify the owner, and identify the dates of the project. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____%;

27. 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:

28. 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 Labor and Environmental Laws, Regulations and Ordinances

- 29. 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 information about it.

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.

- 30. 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.

- 31. 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.

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

- 33. Other than what you have identified above, please describe any other labor or environmental charges or penalties assessed or levied against, or paid by, your firm or the owner of a project on which your firm was the contractor in the past five years?

34. List your firm's Experience Modification Rate (EMR) (California Worker's Compensation insurance) for each of the past three premium years:
NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

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

35. 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

36. Has there been any 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.

37. During the last five years, has there been any 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.

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

1. Contractor shall provide the information requested below about all current public works projects, all public works projects completed in the last 60 months, and all K-12 public projects completed in the last three years. Names and references must be current and verifiable. **Use separate sheets of paper that contain all of the following 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 #)

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: _____

The submitter of the foregoing answers to the questionnaire and financial statement has read the same and the matters stated therein are true of their or her own personal knowledge. The information is for the purpose of inducing the District to supply the submitter with plans and specifications, and any individual, company or other agency named therein is hereby authorized to supply the District with any information necessary to verify the statements. Submitter understands that any statement, which is proven to be false, shall be grounds for immediate exclusion of the named Contractor from the pre-qualification process. Should the foregoing statements at any time change or cease to be proper and true in any substantial respect, the named Contractor will refrain from bidding on District work until a revised and corrected statement is submitted. The submitter whose signature appears below has authority to bind the named Contractor. Submitter has provided evidence in a form and substance acceptable to the District (such as Power of Attorney) that the submitter whose signature appears below has authority to bind the named Contractor. By signing below, submitter and the named Contractor hereby grant permission to the District to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The undersigned hereby declares that all of the statements made in the pre-qualification questionnaire and financial statements are true and correct and are made under the penalty of perjury under the laws of the State of California.

Executed this _____ day of _____, 2010, at _____, City of _____,
County of _____, State of _____.

Signature

Typed Name

Title

Name of Contractor