



DRAFT

REQUEST FOR PRE-QUALIFICATION STATEMENT

FOR

**Milpitas Sports Center Sports Fields
Project No. 5104**

CITY OF MILPITAS

CITY HALL

**455 East Calaveras Boulevard
Milpitas, CA 95035**



Notice
REQUEST FOR PRE- QUALIFICATION STATEMENT
FOR
Milpitas Sports Center Sports Fields
City of Milpitas Project No. 5104

By this Notice, the City of Milpitas is soliciting Prospective Bidders who may wish to submit a future bid for a public works construction contract for the Milpitas Sports Center Sports Fields Project ("Project") to be constructed at the Milpitas Sports Center, 1325 E. Calaveras Blvd. in the City of Milpitas, for the purpose of establishing a Pre-qualified Bidders List.

The City of Milpitas ("City") has determined that all prospective bidders for the Project shall be pre-qualified prior to submitting a bid on this Project. It is mandatory that all Contractors who intend to submit a bid fully complete the **Pre-Qualification Statement (PQS)**, provide all material requested herein, attend a **mandatory** pre-qualification meeting, and be approved by the City of Milpitas to be on the Pre-qualified Bidders List ("Bidders List"). The City will not accept bids from Contractors that are not on the Pre-Qualified Bidders List for this Project. If two or more business entities submit a bid as part of a Joint Venture, each entity within the Joint Venture must be on the Pre-qualified Bidders List.

The following is a summary of the PQS process for the Project. Prospective bidders are instructed not to rely upon the information in this summary to complete the PQS, but instead to read and follow the detailed instructions in the attached Pre-Qualification Statement package.

PRE-QUALIFICATION PROCESS AND SUBMISSION OF PQS RESPONSE FORMS

- a. **Pre-qualification Statement Response Forms** The PQS response sheets to be completed by prospective bidders are included Part 2 and Exhibits A, B, C, and D in the following Pre-qualification Statement. Prospective bidders must complete all required sections of these forms and must attach or append all requested information. Incomplete forms, statements lacking requested information, and Bidder not meeting the qualifications will disqualify prospective bidders. The City will maintain the confidentiality of information provided in the PQS to the extent permitted by law.
- b. **PQS Submission date, time, and place.** The latest date and time to submit a fully completed PQS is **TBD at 2:00 PM**. Any Prospective Bidder who does not submit a completed PQS by the required date and time will be disqualified. Three sets of the PQS, with all exhibits and additional information sheet attachments, shall be submitted. The completed PQS package shall be sealed in an envelope, marked "CONFIDENTIAL, Pre-Qualification Statement – Milpitas Sports Center Sports Fields, Project 5104" and addressed to the CIP Manager, City of Milpitas. The PQS shall be submitted to CIP Manager at the information desk in the lobby of Milpitas City Hall, located at 455 East Calaveras Boulevard, Milpitas, California 95035.
- c. **Mandatory Pre-qualification site meeting.** Prospective bidders must attend one of two scheduled **mandatory** pre-qualification meetings and site visits scheduled for **TBD at 2:00 PM and TBD at 10:00 AM**. The meetings will be held at the project site Milpitas Sports Center at 1325 E. Calaveras Blvd. (located behind Milpitas Unified School District Building). Any questions about these meetings should be directed to Sabeen Cochinwala, Project Manager, (408) 586-3303.
- d. **Contractor Licensing.** Only Contractors holding a **TBD** license issued by the State of California Contractors' Licensing Board shall be eligible to complete the PQS. Copies of California State Contractor's License do not need to be submitted with the PQS.
- e. **Prevailing Wage.** This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations pursuant to Section 1771.4(a)(1). No Contractor or subcontractor may be awarded a contract for a public works project on or after April 1, 2015 unless registered with the Department of Industrial Relations pursuant to Labor Code Section 1725.5. Commencing April 1, 2015, Contractors and Subcontractors shall furnish electronic certified payroll records to the State Labor Commissioner.

In accordance with Section 1773.2 of the Labor Code of the State of California, copies of the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft, classification, as determined by the Director of the Department of Industrial Relations are on file in the Office of the City Engineer, and these will be made available upon request. It shall be mandatory upon the Contractor to whom a contract is awarded, and upon all subcontractors under the Contractor, to pay not less than the highest of the applicable rates set forth in either the federal or state schedules of prevailing wage rates.

- f. **Pre-qualified Bidders List** The City will use and verify the information provided in the PQS submittal to pre-qualify Prospective Bidders meeting the criteria of "Responsible Bidder" as defined by Public Contract Code §1103 (i.e., bidders who demonstrate the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract). The City will place all pre-qualified prospective bidders on the Bidders List and will notify each Prospective Bidder whether or not they have so placed. Prospective Bidders placed on the Bidders List will be eligible to receive a Project bid package and the City will only accept bids from pre-qualified bidders on the Bidders List.
- g. **Clarifications and Addenda** The City may issue addenda as appropriate for clarification or other reasons during the PQS process. All requests for clarification or interpretation must be submitted in writing to Sabeen Cochinwala, Project Manager, (408) 586-3303, scochinwala@ci.milpitas.ca.gov, no later than 5pm on TBD.
- h. **Information Available.** Prospective bidders may obtain additional information from the following sources:
- Excerpts of 90% Milpitas Sports Center Sports Fields Plans by Verde Design
 - Other information on the City's website at www.ci.milpitas.ca.gov
 - Pre-qualification and responsibility statement can be viewed and/or purchased at Prints Charles Reprographics, 1643 S Main St, Milpitas CA 95035, phone (408) 240-3330, www.printscharlesrepro.com or incoming@printscharlesrepro.com
 - When issued for bidding, plans and specifications will be available for viewing and/or purchase at the Prints Charles Reprographics, 1643 S Main St, Milpitas CA 95035, phone (408) 240-3330, www.printscharlesrepro.com or incoming@printscharlesrepro.com
 - The City anticipates that this project will bid in January 2016. With construction to start in late February or early March 2016.

CONSTRUCTION CONTRACT INFORMATION

- a. **PROJECT DESCRIPTION.** The Milpitas Sports Center Sports Fields Project includes but is not limited to the following: new synthetic turf football and soccer fields with stadium lighting and site furniture. The City anticipates offering the project for bid in January 2016.
- b. **ESTIMATED COST.** Project construction is estimated to cost approximately \$1.8 to 2.0 million dollars.
- c. **CONTRACT TIME.** Time to complete the Project (including all construction and improvements) is anticipated to be by June 20th, 2016.
- d. **CALIFORNIA STATE CONTRACTOR'S LICENSING REQUIREMENT.** All Prospective Bidders must possess a Class "TBD" California Contractor's License at the time of PQS submission and must maintain that license at the time of bid submission. The awarded Contractor must maintain the license throughout the contract period.

Please contact Sabeen Cochinwala, Project Manager, at (408) 586-3303 with any questions about the pre-qualification process, the pre-qualification application and response forms, or Milpitas Sports Center Sports Fields Project.

Issued by the City of Milpitas

Steven Machida
Director of Engineering/City Engineer

Date

**PRE-QUALIFICATIONS STATEMENT
SUMMARY OF CONTENTS**

PART 1 - GENERAL INFORMATION	1
1.01 PROJECT DESCRIPTION.....	1
1.02 INVITATION TO COMPLETE AND SUBMIT PRE-QUALIFICATION AND RESPONSIBILITY STATEMENTS/ MILESTONES.....	1
1.03 APPEAL PROCESS.....	2
1.04 PROSPECTIVE BIDDER RESPONSIBILITY REQUIREMENTS.....	2
1.05 LICENSES.....	3
1.06 EXPERIENCE	3
1.07 FINANCIAL.....	4
1.08 REFERENCES.....	4
1.09 SAFETY	4
1.10 LITIGATION.....	4
1.11 COMPLIANCE WITH ETHICAL STANDARDS.....	4
1.12 OTHER CORPORATE OR BUSINESS FORMS.....	4
PART 2 – PQS APPLICATION RESPONSE SHEETS	5
SECTION A – FIRM IDENTIFICATION, CONTACT INFORMATION, AND LICENSE.....	5
SECTION B – LICENSE SUSPENSIONS AND DEFAULTS.....	6
SECTION C - EXPERIENCE	7
SECTION D - FINANCIAL.....	8
SECTION E – CLAIMS AND LITIGATION	10
SECTION F - CERTIFICATION:	10
EXHIBITS	
EXHIBIT A - PROJECTS IN PROGRESS	
EXHIBIT B - PROJECTS COMPLETED	
EXHIBIT C - SAFETY AND LOSS CONTROL DATA RESPONSIBILITY FORM	
EXHIBIT D - AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS	
EXHIBIT E - SCORING SYSTEM	

PRE-QUALIFICATIONS STATEMENT

MILPITAS SPORTS CENTER SPORTS FIELDS, PROJECT NO. 5104

PART 1 - GENERAL INFORMATION

1.01 PROJECT DESCRIPTION.

The Milpitas Sports Center Sports Fields Project includes but is not limited to the following: new synthetic turf football and soccer fields with stadium lighting and site furniture. The City anticipates offering the project for bid in January 2016.

1.02 INVITATION TO COMPLETE AND SUBMIT PRE-QUALIFICATION AND RESPONSIBILITY STATEMENTS/ MILESTONES

It is mandatory that all Prospective Bidders intending to submit bids for the Project submit the Pre-Qualifications Statement (PQS) and be pre-qualified by the City to be on the Bidders List.

Answers to questions contained in the attached PQS, 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. The City will use these documents as the basis for rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid.

Prospective Bidders shall submit the sealed PQS application marked "CONFIDENTIAL, Pre-Qualification Statement – Milpitas Sports Center Sports Fields, Project 5104" no later than **2:00 p.m. on TBD**, addressed to the CIP Manager at the information desk in the lobby of Milpitas City Hall, located at 455 East Calaveras, Milpitas, California 95035. Three sets of the PQS application, with all exhibits and additional information sheet attachments, shall be submitted. The City expects to establish and make public the Bidders List for this Project on or before TBD. All information provided will be kept confidential to the extent permitted by law. In accordance with the California Public Records Act, much of the pre-qualification package (questionnaire answers and financial statements) submitted by Contractors is not a public record and will not be open to public inspection. However, the contents may be disclosed to third parties for purposes of verification, or investigation of substantial allegations, or in an appeal proceeding. State law requires that the names of contractors applying for pre-qualification status shall be public record subject to disclosure, and the first page of Part 2 of the PQS questionnaire will be used for that purpose.

Each PQS 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 City and provide updated accurate information in writing, under penalty of perjury.

The City may refuse to grant pre-qualification where the requested information and materials are not provided by the submission time listed above. **There is no appeal for the City's refusal to accept an incomplete or late application.** The closing time for PQS submission will not be changed to accommodate supplementation of incomplete submissions, or late submissions. However, the City reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to the Project.

The City will evaluate the information contained in each Prospective Bidder's PQS and may request additional pertinent information. The City's decision will be based on its evaluation of the information disclosed in the Prospective Bidder's PQS and other information available to the City. The sole and discretionary judgment of the City, and/or its designee, will determine if a Prospective Bidder is deemed qualified to bid on the Project. Should a Prospective Bidder be deemed to be ineligible to bid on this Project, the City will provide, upon request, the basis for the decision. During the evaluation of the PQS application, should any additional information be requested by the City, Prospective Bidders must provide that information within two (2) working days of the request. Failure to provide the information within the specified time period may result in disqualification from the process.

The City reserves the right to adjust, increase, limit, suspend or rescind a PQS rating based on information learned after a preliminary qualification decision but before contract award. Contractors whose rating changes sufficiently to disqualify them will be notified, and given an opportunity to respond consistent with the administrative appeal procedures described below for appealing a PQS rating.

It is the intent of the pre-qualification questionnaire and documents required therewith to assist City in determining bidder qualifications prior to bid and to aid City in selecting the lowest responsible bidder. Neither the fact of pre-qualification, nor any pre-qualification rating, will preclude City 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.

1.03 APPEAL PROCESS

A Prospective Bidder deemed ineligible to bid on this Project may appeal the original determination of the City within seven (7) calendar days from the date the list of pre-qualified Prospective Bidders is announced. A Prospective Bidder that wishes to appeal must do so by filing with the City Clerk a written request stating the basis for the appeal, and by supplying any new or additional documentation and/or evidence supporting the request within the stated time. City Engineer, and/or its designee, will review the matter within seven (7) calendar days of the close of the appeal period or longer, as is necessary, in order to adequately review appeal materials as determined by the City. City Engineer, and/or its designee, will review new evidence provided by the Prospective Bidder demonstrating qualifications to perform the contract. If the Prospective Bidder is deemed eligible after the new evidence is evaluated, the City will add the Prospective Bidder to the Bidder's List. If after review the review of the submitted appeal the City finds the Contractor remains ineligible to bid on the project that decision is final. Without submittal of a timely appeal, the Contractor waives any and all rights to challenge the decision of City whether by administrative process, judicial process or any other legal process or proceeding.

The City's evaluation of the Prospective Bidder's quality, trustworthiness, fitness and capacity to satisfactorily perform the proposed work applies only to this Project.

1.04 PROSPECTIVE BIDDER RESPONSIBILITY REQUIREMENTS.

- A.** Prospective Bidders shall submit all information and forms specified in Part 2, including Exhibits A, B, C, and D (Exhibit E is the screening criteria provided for Prospective Bidder information), and additional statements, reports, and explanation sheets.
- B.** Prospective bidders must attend one of two scheduled mandatory pre-qualification meetings **on TBD at 2:00 PM and TBD at 10:00 AM**. Meetings will be held at the project site at

Milpitas Sports Center 1325 E. Calaveras Blvd. (Located behind the Milpitas Unified School District Building). Questions about this meeting should be directed to Sabeen Cochinwala, Project Manager, (408) 586-3303.

Failure to provide required information at the time, date and location indicated in Section 1.02 or to attend one of the two mandatory site meetings shall constitute grounds for rejection of the PQS application and disqualification.

1.05 LICENSES.

Prospective Bidders must hold a valid Class TBD license issued by the State of California Contractor's License Board at the time of PQS submission. Prospective Bidders shall submit their license number and expiration date with this PQS application.

Failure to hold a valid Class TBD license at the time of the PQS application submission shall cause the Prospective Bidder to be disqualified from bidding the Project.

1.06 EXPERIENCE

- A. The City's criteria for evaluating a Prospective Bidder's qualifications shall be based upon the Prospective Bidder's overall experience and the experience of the key personnel assigned to this Project, and other criteria, as listed below, that the City deems necessary to ascertain the capabilities and past performance of each Prospective Bidder. The same project may be used to meet multiple requirements, if the project satisfies one or more of the key elements listed above.
- B. Key staff to be committed to the Project must have experience in project management, construction management, field supervision and coordination, and managing work where such staff was acting on behalf of a general contractor in a similar role on projects of scope and magnitude described above. Prospective Bidders shall provide resumes for the Project Manager and General Field Superintendent proposed for the Project showing evidence of the above; including a list of all projects they have managed, supervised or worked on within the last five (5) years. The following are the minimum requirements for each individual:
1. Project Manager: A minimum of ten (10) years of construction experience with a minimum of five (5) years of experience managing similar public works projects, including two projects having a construction value over \$1.0 million. The Project Manager shall have managed the construction of at least one public government agency (not including school districts) pool deck installation with a construction value over \$500,000 in the last five years.
 2. On-Site General Field Superintendent: A minimum of eight (8) years of construction experience with a minimum of five (5) years of experience as a superintendent on similar projects, including two with a construction value over \$1.0 million. The Superintendent shall have been in charge of the installation of two synthetic athletic fields decks each with a construction value over \$500,000 in the last five years.

If the Prospective Bidder cannot meet these minimum experience requirements, the Prospective Bidder will be disqualified from bidding the Project.

1.07 FINANCIAL

- A. Prospective Bidder shall attach a copy of his latest reviewed or audited financial statements and balance sheet. The information provided will be treated confidentially. It is mandatory that this information be provided.
- B. Prospective Bidder shall list yearly volume of work and net income for each of the past five (5) years. Prospective Bidder shall list value of work currently on backlog, with percent complete as appropriate.

1.08 REFERENCES.

- A. Prospective Bidder shall provide a list of references to include at least three of each of the following (references shall be for projects within the last five years): Project owner, major supplier, and major trade subcontractor. At least two of the project owner references shall be from a Municipal Government Agency. The Prospective Bidder shall also provide a bank reference.
- B. The Prospective Bidder shall provide a list of the last three completed public works projects for a Municipal Government Agency (not including school districts) having a construction value over \$1.0 million.

1.09 SAFETY

Prospective Bidder shall complete and submit the attached Exhibit C. The EMR is established by the Prospective Bidder's insurance carrier based on his loss record. Prospective Bidders shall provide their intrastate EMR, which is used for evaluation of contractors in the State of California. **An EMR of 1.0 or less, averaged over the last three years is required for pre-qualification on this Project.**

1.10 LITIGATION

- A. Prospective Bidder shall list all history of claims, litigation disputes, and arbitration for cause associated with any work contracted on any project in the past ten (10) years.
- B. Prospective Bidder shall provide a list of any past judgments or current claims, and any termination(s) for cause over the past ten (10) years.

1.11 COMPLIANCE WITH ETHICAL STANDARDS.

As a condition precedent to submitting this PQS application for consideration, Prospective Bidder shall read and execute Exhibit D, titled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARD," which is attached hereto and incorporated herein by this reference.

1.12 OTHER CORPORATE OR BUSINESS FORMS.

For purposes of this prequalification procedure, the City reserves the right to consider the characteristics and history of a bidder's previous legal incarnations (e.g., partnership, Limited Liability Company, etc.) when the current application is submitted by personnel or a business entity headed or managed by the same or substantially the same personnel or principals.

**PRE-QUALIFICATION STATEMENT APPLICATION
MILPITAS SPORTS CENTER SPORTS FIELDS
PROJECT No. 5104**

PART 2 – PQS APPLICATION RESPONSE SHEETS

All information submitted for pre-qualification evaluation will be considered official information acquired in confidence and the City will maintain its confidentiality to the extent permitted by law. If an explanation and/or additional sheets are required for any responses, please attach additional pages signed by the preparer and identify clearly the question to which the attached page refers (with Prospective Bidder's name at the top of each page).

SECTION A – FIRM IDENTIFICATION, CONTACT INFORMATION, AND LICENSE

Firm Name: _____ Check One: Corporation
(as it appears on California Contractor's License Board license) Partnership
 Sole Proprietor

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s): List all California construction license numbers, classifications and expiration dates of the California Contractor License Board held by your firm(s):

If joint venture, each entity of the joint venture must be licensed by the California Contractor's License Board. Copy this sheet and fill out completely for each member of the joint venture.

SECTION B – LICENSE SUSPENSIONS, DEFAULTS, AND CRIMES

A “Yes” answer to any of the following seven questions is potentially disqualifying. Please provide an explanation with details about the occurrence and the reasons your firm was not at fault. Failure to disclose information requested will be cause for disqualification.

1. Has any California State License Board license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended or revoked within the last five years?
 No Yes

2. 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?
 No Yes

3. At the time of submitting this 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 Labor Code Sections 1777.1 or 1777.7?
 No Yes

4. During the last five years, has your firm, or any of its 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?
 No Yes

5. 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?
 No Yes

6. 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?
 No Yes

7. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
 No Yes

SECTION C - EXPERIENCE

1. FIRM

- A. Provide information for current public works projects under construction with a construction value of \$1.0 million or more on Exhibit A (attached). Additionally, include all synthetic turf athletic field projects, regardless of project size.
- B. Provide information for all public works projects completed within the past five (5) years, which had a construction value of \$1.0 million or more on Exhibit B (attached). Additionally, include all synthetic turf athletic field projects, regardless of project size.

Using Exhibit B, each Prospective Bidder shall document its overall experience acting as a General Contractor on the following types of projects:

- 1. A minimum of four (4) completed projects, each with a construction value of \$500,000 or more in the last five (5) years, and a minimum of \$1.0 million in total completed construction work on average for each of the last five (5) years.
- 2. At least one of the four (4) projects must have been for a municipal government agency (for this prequalification school districts are not considered a municipal government agency) as the owner.

2. KEY PERSONNEL

- A. List the key personnel to be assigned to the Project. These individuals shall meet the required qualifications referenced in Paragraph 1.06 of Part 1-General Information.

Project Manager: _____

On-Site General Field Superintendent: _____

- B. Attach resumes for each of the above referenced personnel to satisfy the requirements of Part 1, Paragraph 1.06. For each person, submit a list of projects worked on within the last five years, including the most recent project to which he/she was assigned, demonstrating his/her field engineering, coordination, management, and scheduling experience. The following are the minimum requirements for each individual:
 - 1. Project Manager: A minimum of ten (10) years of construction experience with a minimum of five (5) years of experience managing similar public works projects, including two projects having a construction value over \$1.0 million. The Project Manager shall have managed the construction of at least one public government agency (not including school districts) pool deck installation with a construction value over \$500,000 in the last five years.
 - 2. On-Site General Field Superintendent: A minimum of eight (8) years of construction experience with a minimum of five (5) years of experience as a superintendent on similar projects, including two with a construction value over \$1.0 million. The Superintendent shall have been in charge of the installation of two commercial pool decks each with a construction value over \$500,000 in the last five years.

3. REFERENCES

- A. Attach a list of at least three current references (exclude references over five years old) for each of the following: Project owners, major suppliers, and major trade subcontractors. Include contact name, address, and phone number for each reference. Two of the owners should be a public agency (for this prequalification school districts are not considered a public agency).
- B. The Prospective Bidder shall provide a list of the last three completed public works projects for a Municipal Government Agency having a construction value over \$1.0 million.

- C. Provide one reference from your bank including contact name, address, and phone number for each reference.

SECTION D - FINANCIAL

1. Submit a list of all projects performed by your firm within the last five (5) years and their individual monetary value.
2. What is the average annual monetary value of work your firm performed in the past five (5) years: _____
3. Submit a list of projects currently on backlog, with monetary value and percent complete for each project.
4. Attach your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information. **A financial statement that is either not reviewed or audited is unacceptable.** A letter verifying availability of a line of credit may be attached; however, it will be considered supplemental information only, and will not substitute for the required financial statement.
5. Attach 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 this Project. **Notarized statement must be from the surety company, not an agent or broker.**

6. **Surety Information**

- A. Provide a certification from your bonding company for the accuracy of the following information:

Name of company issuing bond: _____

Address: _____

Surety is California admitted: Yes _____ No _____

Surety is listed in the current edition of the Federal Register: Yes _____ No _____

A.M. Best Rating: _____ Standard and Poor Rating: _____

Does surety comply with provisions of the Code of Civil Procedure, Section 995.660? Yes _____ No _____

Prospective Bidder's bonding rate per \$1,000: _____

Prospective Bidder's total bonding capacity: _____

Prospective Bidder's available bonding capacity: _____

- B. Attach a notarized statement from the surety indicating its consent to bond the Project

7. **Previous Bond Experience.** Check applicable answers below and on a separate page, explain any "YES" answers in detail including dates of occurrence. Sign the explanation page.

Has your firm or any of its owner/principal or affiliated company ever:	NO	YES
A. Been unable to obtain a bond or been denied a bond for a contract?	<input type="checkbox"/>	<input type="checkbox"/>
B. Defaulted on a contract forcing a surety to suffer a loss?	<input type="checkbox"/>	<input type="checkbox"/>
C. Failed to complete a contract?	<input type="checkbox"/>	<input type="checkbox"/>
D. Failed to complete a contract within the authorized contract time?	<input type="checkbox"/>	<input type="checkbox"/>

8. **Structure of Firm.** Complete the following where applicable to your firm.

A. CORPORATION

State and Date of Incorporation: _____

President's Name: _____

Vice-President's Name: _____

Secretary's Name: _____

Treasurer's Name: _____

B. PARTNERSHIP: General _____ Limited _____

Date of Organization: _____

Name and Address of Principals:

C. OTHER: If other than a Corporation or Partnership, describe firm and name of Principals.

D. How many years has your firm been in business as a General Contractor? _____ years.

E. How many years has your firm been in business under its present business name? _____ years.

F. Under what other or former name(s) has your firm operated? (Indicate name and duration in years.)

G. List the type of construction work normally performed with your own forces:

SECTION E – CLAIMS AND LITIGATION

The following questions will be scored as shown in Exhibit E. Prospective bidders must obtain a qualifying score of at least 16 points on these five questions to be eligible for placement on the prequalified bidders list. Please attach an explanation for any question answered “Yes.”

1. Has your firm ever had a contract terminated for cause within the past five (5) years?
 No Yes
2. Are there any past, pending, or current judgments, claims, arbitration proceedings, or suits against your firm?
 No Yes
3. Has your firm been subject to judgments, claims, arbitration proceedings, or suits (whether pending or settled) based on workmanship and/or materials?
 No Yes
4. Has your firm filed any lawsuits, requested arbitration, or been involved in any litigation with regard to your contract activity within the last five (5) years?
 No Yes
5. Has your firm been involved in more than three (3) Government Code Claims and/or Public Works project I the last five years?
 No Yes

SECTION F - CERTIFICATION:

The Undersigned declares under penalty of perjury that all of the responsibility information submitted with this form is true and correct and that this Declaration was executed by a duly authorized officer of the Firm.

Signature _____

Typed or Printed Name and Title _____

Firm Name _____

Address _____

Telephone Number _____ Fax Number _____

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED. Attach a notary public's acknowledgment of the signature. If the PQS is submitted on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above.

EXHIBIT A - PROJECTS IN PROGRESS

(PHOTOCOPY THIS EXHIBIT AND SUBMIT A SEPARATE PAGE FOR EACH PROJECT)

Provide information for each project in progress with a construction value in excess of \$1.0 million/\$500,000, and for which the Prospective Bidder is acting as general contractor. Additionally, include all synthetic turf athletic field projects regardless of size.

PROJECT NAME: _____

LOCATION: _____

PROJECT DESCRIPTION: _____

OWNER:

NAME: _____ TELEPHONE: _____

CONTACT: _____

ARCHITECT:

NAME: _____ TELEPHONE: _____

CONTACT: _____

OWNER'S CONSTRUCTION MANAGER:

NAME: _____ TELEPHONE: _____

CONTACT: _____

CONTRACTOR'S PROJECT MANAGER: _____

FIELD SUPERINTENDENT: _____ PROJECT ENGINEER: _____

PERCENT COMPLETE TO DATE: _____ % as of _____, 2015.

DESCRIBE THE WORK PERFORMED BY PROSPECTIVE BIDDER'S FORCES AND SIMILARITIES TO MILPITAS SPORTS CENTER SPORTS FIELD PROJECT.

VALUE OF WORK PERFORMED BY PROSPECTIVE BIDDER'S FORCES: \$ _____

Base Bid \$ _____

Total number of Change Orders _____ Change Order as % of Base Bid _____
(For projects with Change Orders in excess of 10% of Base Bid, explain reasons on a separate sheet.)

Total number of claims _____ Total amount of claims _____
(Explain claims on separate sheet.)

Original Completion Date _____ Forecast Completion Date _____

(Explain difference between original and forecast completion dates. Attach separate sheet if necessary.)

EXHIBIT B- PROJECTS COMPLETED

(PHOTOCOPY THIS EXHIBIT AND SUBMIT A SEPARATE PAGE FOR EACH PROJECT)

Provide information for each completed project within the last five (5) years, with a value in excess of \$1.0 million/\$500,000. Additionally include all synthetic turf athletic fields projects regardless of size. Indicate which projects meet which of the requirements described in Paragraph 1.06 of Part 1.

PROJECT NAME: _____

LOCATION: _____

PROJECT DESCRIPTION: _____

OWNER NAME: _____ TELEPHONE: _____

CONTACT: _____

ARCHITECT NAME: _____ TELEPHONE: _____

CONTACT: _____

OWNER'S CONSTRUCTION MANAGER:

NAME: _____ TELEPHONE: _____

CONTACT: _____

CONTRACTOR'S PROJECT MANAGER: _____

FIELD SUPERINTENDENT: _____ PROJECT ENGINEER: _____

DESCRIBE THE WORK PERFORMED BY PROSPECTIVE BIDDER'S FORCES.

DESCRIBE SIMILARITIES WITH MILPITAS SPORTS CENTER SPORTS FIELD PROJECT.

FINAL CONSTRUCTION COST OF PROJECT: \$ _____

VALUE OF WORK PERFORMED BY PROSPECTIVE BIDDER'S FORCES: \$ _____

Base Bid \$ _____

Total number of Change Orders _____ Change Orders as % of Base Bid _____

(For projects with Change Orders in excess of 10% of Base Bid, explain reasons on a separate sheet.)

Total number of claims _____

Total amount of claims _____

(Explain claims on separate sheet.)

Original Completion Date _____

Actual Completion Date _____

(Explain difference between original and actual completion dates. Attach separate sheet if necessary.)

EXHIBIT C

SAFETY AND LOSS CONTROL DATA RESPONSIBILITY FORM

1. List your firm's experience modification rate (EMR) for the past three (3) years and current year. Provide a letter from your insurance carrier or state fund (on its letterhead verifying the EMR data).

Current year _____ 2014 _____ 2013 _____ 2012 _____

Are the above rates interstate or intrastate? If intrastate, which state? _____

2. Provide copies of your firm's injury experience for the past five (5) years using OSHA No. 200 logs. If you do not complete OSHA 200 forms, explain why.

3. Has your firm been cited by OSHA in the past five (5) years? Yes _____ No _____

If yes, how many times? _____;

For what reason(s)? _____

OSHA incident frequency rates: _____

4. The undersigned warrants and represents the data provided in this Exhibit C is accurate in all respects.

Signature _____

Typed or Printed Name and Title _____

Firm Name _____

EXHIBIT D
AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

CITY OF MILPITAS ETHICAL STANDARDS FOR CONTRACTORS

1. City may, at its sole discretion, terminate any contract with Contractor if any of the following occurs:
 - A. If Contractor¹ does any of the following:
 - i. Is convicted² of operating a business in violation of any Federal, State or local law or regulation;
 - ii. Is convicted of a crime punishable as a felony involving dishonesty³;
 - iii. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or (3) performing a public contract or subcontract;
 - iv. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; or
 - v. Made (or makes) any false statement(s) or representation(s) with respect to the contract; or
 - B. If fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with Contractor can be imputed to Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of Contractor, with Contractor's knowledge, approval or acquiescence, Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.
2. City may also terminate any contract with Contractor if any one or more of the following occurs:
 - A. If Contractor becomes "insolvent"⁴;
 - B. If City determines that Contractor no longer has the financial capability or business experience including, without limitation, loss of personnel deemed essential by City to perform successfully the terms of, or operate under, any contract with City; or
 - C. If City determines that Contractor fails to submit information, or submits false information.
3. In the event a prospective Contractor (or Bidder) is ruled ineligible (debarred) to participate in a contract award process, or a contract is terminated pursuant to these provisions, Contractor may appeal City's action to the Milpitas City Council by filing a written request with the City Clerk within ten (10) calendar days of the notice given by City. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. Contractor shall have the burden of proof on the appeal. Contractor shall have the opportunity to present evidence, both oral and written.

1 For purposes of this document, the term "Contractor" (whether a person or a legal entity) means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a person who owns more than ten percent (10%) of the outstanding stock of a corporation and who is active in the day to day operations of that corporation.

2 For purposes of this document, the terms "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

3 For purposes of this document, the term "dishonesty" includes, without limitation, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

4 For purposes of this document, Contractor is "insolvent" if it is unable to pay its debts as they become due, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of Contractor's assets.

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I, _____, being first duly sworn, depose and say to the City of Milpitas ("City")

that:

1. I am the _____ *[insert title or capacity]*
of _____ *[insert entity name]* ("Bidder").
2. I hereby state that I have read and understood the City of Milpitas Ethical Standards for Contractors stated above, I have examined my appropriate business records, and I have made inquiry of those individuals potentially included within the definition of "Contractor" contained in Exhibit D. I have authority to make these representations on my own behalf and on behalf of the legal entity herein identified.
3. Neither (a) Bidder nor (b) any individual(s) belonging to a category identified in footnote no. 1 of Exhibit D has been convicted of any one or more of the crimes identified in Exhibit D within the past five (5) years.
4. Notwithstanding award of any contract by City or performance thereunder, the City shall have all rights and remedies described in Exhibit D.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

Name of Firm

Signature

Title

Note: Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

Subscribed and sworn to this _____ day of _____, 2015.

NOTARY PUBLIC _____

EXHIBIT E
Pre-Qualification Scoring System

Part 1 – General Information

1.04 – PQS – both conditions met	Pass/Fail
A. Submittal complete and on time	
B. Attended prebid site meeting	
1.04 – Contractor’s License – Prospective Bidder has valid Class A license	Pass/Fail
1.05 – Experience	Pass/Fail
1.07 – Financial – submission complete	Pass/Fail
1.08 – References – submission complete	Pass/Fail
1.09 – Safety – EMR ≤ 1	Pass/Fail
1.11 – Ethical Standards – executed affidavit	Pass/Fail

Part 2 – Response Sheets

Section B – Suspensions, Defaults, Crimes Pass/Fail

Section C - Experience Pass/Fail

1. Firm – both conditions met: Pass/Fail
1. General Contractor on at least 4, \$1M construction projects in past five years; and
 2. At least two of these projects had public agency as owner

2. Key Personnel –both conditions met: Pass/Fail
1. Project Manager has at least 10 years construction experience with 5 years managing similar PW projects with construction value over \$1M.
 2. On Site General Field Superintendent has at least 8 years construction experience with 5 years managing similar PW projects with construction value over \$1M.

Section E – Litigation (16 or more points is passing)

1. Have you ever had a contract terminated for cause within the past five years?
 Yes = 0 points No = 6 points
2. Are there any past, pending, or current judgments, claims, arbitration proceedings, or suits against your firm?
 Yes = 0 points No = 3 points
3. Has your firm been subject to judgments, claims, arbitration proceedings, or suits (whether pending or settled) based on workmanship and/or materials?
 Yes = 0 points No = 3 points
4. Has your firm filed any lawsuits, requested arbitration, or been involved in any litigation with regard to your contract activity within the last five years?
 Yes = 0 points No = 3 points
5. Has your firm been involved in more than three (3) Government Code Claims and/or Public Works projects in the last five years?
 Yes = 0 points No = 6 points

Section F – Certification Pass/Fail