

**RESOLUTION NO. 23-08
OF THE
TAMALPAIS UNION HIGH SCHOOL DISTRICT
ADOPTING PREQUALIFICATION PROCESS FOR PRIME CONTRACTORS AND MEP
SUBCONTRACTORS PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6**

WHEREAS, school districts are required to prequalify potential prime contractors and potential first-tier electrical, mechanical or plumbing contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 licenses ("MEP subcontractors") for all lease-leaseback projects or projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds received, including funds reimbursed, from any future state school bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more using the requirements described in Section 20111.6 of the Public Contract Code;

WHEREAS, Public Contract Code section 20111.6 directs school districts to require potential prime contractors and MEP subcontractors to submit a standardized prequalification questionnaire and financial statement (collectively "Prequalification Package"), prior to submitting a bid/proposal for the aforementioned projects;

WHEREAS, Public Contract Code section 20111.6 authorizes school districts to establish a uniform system of rating potential contractors and MEP subcontractors based upon the completed Prequalification Packages ("Prequalification Process");

WHEREAS, Tamalpais Union High School District ("District") staff have developed a standardized questionnaire for potential prime contractors and MEP subcontractors in accordance with Public Contract Code section 20111.6 attached hereto in **Exhibit A** ("Prequalification Process for Facilities Projects");

WHEREAS, District staff have developed a uniform system of rating potential prime contractors and MEP subcontractors based upon the Questionnaire attached hereto in **Exhibit A** ("Prequalification Process for Facilities Projects");

WHEREAS, the Rating System within **Exhibit A** ("Prequalification Process for Facilities Projects") includes a process for potential prime contractors and MEP subcontractors to appeal certain decisions with respect to the Prequalification Process ("Appeal Process"); and

WHEREAS, the District desires to adopt the Prequalification Process, including the Questionnaire, Rating System, and Appeal Process.

NOW, THEREFORE, the Board of Trustees of the District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the Questionnaire, the Rating System, and the Appeal Process included in **Exhibit A** ("Prequalification Process for Facilities Projects") are authorized pursuant to Public Contract Code section 20111.6.

Section 3. That the District's Superintendent, or designee, is authorized to implement the Prequalification Process, including accepting the final list of prequalified prime contractors and MEP subcontractors, consistent with Public Contract Code section 20111.6.

Section 4. That prequalification will be considered valid up to one calendar year following the date of initial prequalification for other District projects unless the Prequalification Process is amended.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Tamalpais Union High School District on this 24th day of October, 2023.

AYES: 5

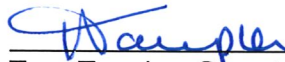
Harlander, Roenisch, Saavedra, Uhlhorn,
Loebbaka

NOES: 0

ABSTAIN: 0

ABSENT: 0

I, Tara Taupier, Secretary to the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the Tamalpais Union High School District at their meeting of October 24, 2023, which Resolution is on file in the office of said Board.



Tara Taupier, Secretary
Board of Trustees
Tamalpais Union High School District

Attested to:



Karen Loebbaka, President
Board of Trustees
Tamalpais Union High School District

Exhibit "A"

TAMALPAIS UNION HIGH SCHOOL DISTRICT

PREQUALIFICATION PROCESS FOR FACILITIES PROJECTS

NOTICE TO PRIME CONTRACTORS AND MECHANICAL, ELECTRICAL, PLUMBING, FIRE PROTECTION & UNDERGROUND PIPELINE SUBCONTRACTORS

(A, B, C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 & C-46)

**Includes: Part A – Notice
 Part B – Prequalification Questionnaire
 Part C – Rating System**



**TAMALPAIS UNION HIGH
SCHOOL DISTRICT**
395 Doherty Drive
Larkspur, CA 94939

State law requires that the names of contractors/subcontractors applying for prequalification status shall be public records subject to disclosure.

A contractor/subcontractor may be denied prequalification status for either omission of requested information or falsification of information.

Prequalification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the prequalification ratings based on reference interviews and/or otherwise subsequently learned information and after giving notice of the proposed action to the prime contractor and an opportunity for a hearing consistent with the hearing procedures adopted by the District for appealing a prequalification determination.

While it is the intent of the prequalification questionnaire and documents required therewith to assist the District in determining Bidder responsibility prior to the submission of bids and to aid the District in selecting the lowest responsible Bidder, neither the fact of pre-qualification, nor any prequalification rating, will preclude the District 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/subcontractors are encouraged to submit prequalification packages as soon as possible, so that they may be notified of prequalification status well in advance of upcoming projects.

B. CURRENT ORGANIZATION AND STRUCTURE OF THE BUSINESS

1. For Firms that Are Corporations:

a. Date incorporated: _____

b. Under the laws of what state: _____

c. 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 10% of the corporation's stock.

Name	Position	Years with Co.	% Ownership

2. For Firms that Are Partnerships or LLCs:

a. Date of formation: _____

b. Under the laws of what state: _____

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

Name	Position	Years with Co.	% Ownership

3. For Firms that Are Sole Proprietorships:

a. Date of commencement of business: _____

4. For Firms that Intend to Bid as a Joint Venture:

a. Date of commencement of joint venture: _____

b. 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. Attach all additional references and/or information on separate signed sheets.

Name of Firm	% of Ownership of Joint Venture

5. State your firm's gross revenues for each of the past three (3) years:

Year	Gross Revenue
	\$
	\$
	\$

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

7. Is your firm currently the debtor in a bankruptcy case or was it in bankruptcy at any time during the last five (5) years?

Yes No

If "yes," please attach a copy of the bankruptcy petition and a copy of the Bankruptcy Court's discharge or any other document that ended the case, if any.

LICENSES/REGISTRATION

8. Please provide the following licensing information:

a. Name of license holder exactly as on file with the California State License Board: _____

b. License classification(s): _____

c. License #: _____

d. Expiration Date: _____

e. Public Works Contractor's Registration # as on file with Department of Industrial Relations: _____.

9. Has any CSLB license held by your firm or its Responsible Managing Employee or Responsible Managing Officer been suspended or revoked within the last five (5) years?

Yes No

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

10. Has your firm changed names or license number in the past five (5) years?

Yes No

INSURANCE

16. Does prime contractor have liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate, or the subcontractor have liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate?

Yes No

If "No," provide on a separate signed sheet what limits are available to the prime contractor/MEP subcontractor.

17. Does prime contractor/MEP subcontractor have current workers' compensation insurance policy as required by the California Labor Code or is prime contractor/MEP subcontractor legally self-insured pursuant to California Labor Code section 3700 et seq.?

Yes No

18. In the last five (5) 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 sheet, including the name of the insurance carrier, form of insurance and year of the refusal.

CRIMINAL MATTERS AND RELATED CIVIL SUITS

19. Has your firm or any of its owners, partners or officers 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 sheet, identifying who was involved, name of the public agency, date of the investigation and grounds for the filing.

20. In the last five (5) years, has your firm or any of its owners, partners or officers ever been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, including but not limited to, a contract of a government construction project; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property?

Yes No

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

21. Is your firm or any of its owners, partners or officers presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state

PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE

26. In the past five (5) years, has there been more than one occasion in which your firm was required to pay either back wages or penalties for your firm’s failure to comply with California prevailing wage laws or federal Davis-Bacon prevailing wage requirements?

- Yes No

If “yes,” explain on a separate signed sheet, describing the nature of the violation(s), project, owner, and amount paid, if any.

27. At any time during the past five (5) years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or laws pertaining to use of apprentices on public works projects?

- Yes No

If “yes,” explain on a separate signed sheet, including date(s) of such findings and attaching the DAS’ final decision(s).

BONDING

For Prime Contractors – Answer Items #28 – #33

For MEP Subcontractors – Answer Item #31

28. 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 your current bonding capacity (both single job limit and aggregate limit)? NOTE: For contractors - must have independent capacity to provide a 10% bid bond, 100% payment bond, and 100% performance bond, each issued by an admitted surety insurer, without bonding by subcontractors.

- Yes No

29. Provide the name, address and telephone number of the surety agent: _____

30. List all sureties that have written bonds for your firm currently and during the last five (5) years:

Name	Address	Dates of bonds

E. FINANCIAL INFORMATION

Prime contractor and MEP subcontractors must submit a reviewed financial statement with accompanying notes and supplemental information for the past two (2) full fiscal years. A letter verifying availability of a line of credit may also be attached; however, it will be considered supplemental information only, and is not a substitute for the required financial statement.

CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: _____

Proper Name of Prime Contractor or MEP Subcontractor: _____

Signature by an officer of the Prime Contractor or MEP Subcontractor: _____

By: _____ (Print Name)

Title: _____

**PART C
TAMALPAIS UNION HIGH SCHOOL DISTRICT
PROSPECTIVE PRIME CONTRACTOR AND MEP SUBCONTRACTOR
RATING SYSTEM**

Name of Prime Contractor/MEP Subcontractor: _____

1. Confirm Prequalification Statement Submitted is Responsive – if the answer to any of the questions is “no,” then the Prequalification Package is nonresponsive.

A. Completeness

Did the Contractor/Subcontractor provide all requested information in its submitted Prequalification Statement?

Yes No

B. Signed Under Penalty of Perjury

Is the Prequalification Questionnaire signed under penalty of perjury by an individual who has the authority to bind the Contractor/Subcontractor on whose behalf they are signing?

Yes No

2. Incomplete, Misleading or Inaccurate Information – if the answer to any of the questions is “yes,” then reject the Contractor.

A. Is the information provided by the Contractor/Subcontractor misleading or inaccurate in any material manner?

Yes No

B. Is the information contained in the Prequalification Package not updated under penalty of perjury when it is no longer accurate?

Yes No

3. Confirm Essential Criteria

a. K-12 School Projects (See Section D of Questionnaire)

Has the Contractor/Subcontractor contracted for construction involving a minimum of three (3) California K-12 projects within the past five (5) years, each using the lease-leaseback project delivery method and/or with a total contract price of \$1,000,000 (contractor)/\$50,000 (subcontractor) or more?

Yes No

(If no, then Contractor/Subcontractor is not qualified)

g. Insurance (See Section C.16. of Questionnaire)

Does Contractor/Subcontractor have liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate (Contractor) or at least \$1,000,000 per occurrence and \$2,000,000 aggregate (Subcontractor)?

Yes No

(If no, see attachment if they are capable of attaining the above limits. If not, then Contractor/Subcontractor is not qualified)

h. Workers' Compensation (See Section C.17. of Questionnaire)

Does Contractor/Subcontractor have current workers' compensation insurance policy as required by the California Labor Code or is Contractor legally self-insured pursuant to California Labor Code section 3700 et seq.?

Yes No

(If no, then Contractor/Subcontractor is not qualified)

i. Bonding Capacity (See Sections C.28. through C.33. of Questionnaire) – **Contractor Only**

Does Contractor demonstrate that it can provide a 10% bid bond, 100% payment bond, and 100% performance bond, each issued by a surety admitted and authorized to transact business as a surety in California?

Yes No

(If no, then Contractor is not qualified)

j. Criminal Matters and Related Civil Suits (See Section C.19. through C.21. of Questionnaire)

Has the Contractor/Subcontractor, or any of its owners or officers, been found liable in a civil suit or guilty in a criminal action for making a false claim or material misrepresentation to a public agency, or been convicted of a crime or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, or presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the above-referenced offenses?

Yes No

(If yes, then Contractor/Subcontractor is not qualified)

4. Contact References

The District may, at its discretion, contact the Contractor's/Subcontractor's references from its most recent K-12 school district projects.

**TAMALPAIS UNION HIGH SCHOOL DISTRICT
PROSPECTIVE PRIME CONTRACTORS
PREQUALIFICATION EVALUATION WORKSHEET**

Name of Prime Contractor: _____

1. Essential Criteria

If any one of the essential criteria is not met, there is no need to complete the remainder of the evaluation.

2. Years in Business Under Current License (See Section C.6. of Questionnaire)

10 or more years	=	15 Points
5 to 9 years	=	10 Points
2 to 4 years	=	5 Points
0 to 2 years	=	0 Points

_____ Points

3. Size of Completed Projects (See Section D. of Questionnaire)

Choose the one with the highest point value that Contractor meets.

2 Completed Projects larger than \$10 million	=	10 Points
5 Completed Projects larger than \$5 million	=	8 Points
3 Completed Projects larger than \$5 million	=	6 Points
5 Completed Projects larger than \$1 million	=	4 Points
3 Completed Projects larger than \$1 million	=	2 Points

_____ Points

4. Liquidated Damages Per Project (See Section C.11. of Questionnaire)

0 Incidents	=	10 Points
1 to 3 Incidents	=	5 Points
4 or more Incidents	=	0 Points

_____ Points

**TAMALPAIS UNION HIGH SCHOOL DISTRICT
PROSPECTIVE PRIME CONTRACTOR
PREQUALIFICATION EVALUATION REFERENCE FORM**

(**Optional** - To be utilized by the District, at its discretion, to evaluate references)

The District should fill out the information in Section I and then telephone the contact person. The District should then ask the questions in Section II, ensuring that it obtains the information as to whether the Contractor's performance in that area was unsatisfactory, below average, average or above average.

Section I - General Project Information

Name of Contractor:	Total Contract Costs:
	Contract Start/End Dates:
Project Title:	Actual Completion Date:
Scope of Work:	
Name of Public Agency/School District:	Telephone Number of Contact Person:
Name of Contact Person:	Date and Time of Interview of Contact Person:
Architect Firm:	Principal Architect in Charge of Project:

- b. Prime Contractor (Project) Management - Rate the Contractor's ability to manage and coordinate its own subcontractors (if no subcontractors, rate the Contractor's overall project management). Was the Contractor able to effectively resolve problems? If not, provide specific examples. **Please rate the Contractor with respect to project management as either unsatisfactory, below average, average, or above average.**

- c. Change Orders - Rate the Contractor's performance with regard to change orders and extras. Did the Contractor unreasonably claim change orders or extras? Were the Contractor's prices on change orders and extras reasonable? If not, provide specific examples. **Please rate the Contractor with respect to change orders as either unsatisfactory, below average, average, or above average.**

- d. Working Relationships - Rate the Contractor's working relationships with other parties (i.e. owner, designer, Contractors, other subcontractors, etc.). Did the Contractor relate to other parties in a professional manner? If not, provide specific examples. **Please rate the Contractor with respect to working relationships as either unsatisfactory, below average, average, or above average.**

**TAMALPAIS UNION HIGH SCHOOL DISTRICT
PROSPECTIVE SUBCONTRACTOR
PREQUALIFICATION EVALUATION WORKSHEET**

Name of Subcontractor: _____

1. Essential Criteria

If any one of the essential criteria is not met, there is no need to complete the remainder of the evaluation.

2. Years in Business Under Current License (See Section C.6. of Questionnaire)

10 or more years	=	10 Points
5 to 10 years	=	5 Points
0 to 5 years	=	0 Points

_____ Points

3. Size of Completed Projects (See Section D of Questionnaire)

Choose the one with the highest point value that contractor meets.

2 Completed Projects larger than \$1 million	=	10 Points
5 Completed Projects larger than \$500,000	=	8 Points
3 Completed Projects larger than \$500,000	=	6 Points
3 Completed Projects larger than \$250,000	=	4 Points
3 Completed Projects larger than \$50,000	=	2 Points

4. Liquidated Damages Per Project (See Section C.11. of Questionnaire)

0 Incidents	=	10 Points
1 to 3 Incidents	=	5 Points
4 or more Incidents	=	0 Points

_____ Points

5. Non-Compliance with Applicable Laws (See Sections C.19 through C.27. of Questionnaire)

0 Projects	=	10 Points
1 to 3 Projects	=	5 Points
4 or more Projects	=	0 Points

_____ Points

**TAMALPAIS UNION HIGH SCHOOL DISTRICT
PROSPECTIVE SUBCONTRACTOR
PREQUALIFICATION EVALUATION REFERENCE FORM**

(Optional) - To be utilized by the District, at its discretion, to evaluate references)

The District should fill out the information in Section I and then telephone the contact person. The District should then ask the questions in Section II, ensuring that it obtains the information as to whether the Subcontractor's performance in that area was unsatisfactory, below average, average or above average.

Section I - General Project Information

Name of Subcontractor:	Total Contract Costs:
	Contract Start/End Dates:
Project Title:	Actual Completion Date:
Scope of Work:	
Name of Public Agency/School District:	Telephone Number of Contact Person:
Name of Contact Person:	Date and Time of Interview of Contact Person:
Architect Firm:	Principal Architect in Charge of Project:
General/Prime Contractor:	Name of Contract Person for General/Prime Contractor:
Telephone Number of Contact Person for General/Prime Contractor:	Date and Time of Interview of Contact Person for General/Prime Contractor:

- b. Subcontractor (Project) Management - Rate the Subcontractor's ability to manage and coordinate its own subcontractors (if no subcontractors, rate the Subcontractor's overall project management). Was the Subcontractor able to effectively resolve problems? If not, provide specific examples. **Please rate the contractor with respect to project management as either unsatisfactory, below average, average, or above average.**

- c. Change Orders - Rate the Subcontractor's performance with regard to change orders and extras. Did the Subcontractor unreasonably claim change orders or extras? Were the Subcontractor's prices on change orders and extras reasonable? If not, provide specific examples. **Please rate the contractor with respect to change orders as either unsatisfactory, below average, average, or above average.**

- d. Working Relationships - Rate the Subcontractor's working relationships with other parties (i.e. owner, designer, prime contractors, other subcontractors, etc.). Did the Subcontractor relate to other parties in a professional manner? If not, provide specific examples. **Please rate the contractor with respect to working relationships as either unsatisfactory, below average, average, or above average.**
