Thank you for your interest in the City of Baldwin Park Transit Center Project. The City will be accepting bids from **PREQUALIFIED** contractors for the construction of a 5 level, 500 stall parking structure and pedestrian bridge on January 24, 2012. The Prequalification Application and instructions are attached and the submission deadline is 6:00 PM on January 4, 2012.

The plans and specs are available for viewing at:

ftp://ftp2.watrydesign.com

or

http://www.watrydesign.com/HomePage.html and click on "Project FTP Site"

User Name: baldwinpark2

Password: watrybp2

You are free to review the plans and specs and begin preparing a bid, however you do so at your own risk. Bids will only be accepted from prequalified contractors. Prequalification results will be available on January 6, 2012.

CITY OF BALDWIN PARK

NOTICE INVITING PREQUALIFICATION OF GENERAL CONTRACTORS (NO SUBCONTRACTOR BIDS REQUESTED AT THIS TIME)

Subject to conditions prescribed by the undersigned, the City of Baldwin Park is soliciting Prequalification Questionnaires from **B-1 Licensed General Contractors** whom are interested in participating in the following work:

BALDWIN PARK TRANSIT CENTER
Estimated Construction Value: $9,000,000

PREQUALIFICATION: Pursuant to Public Contract Code Section 20101, the Department of Public Work of the City of Baldwin Park has determined that bidders who submit bids on this Project must be prequalified. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. To request a Prequalification Questionnaire, please email **etorres@baldwinpark.com** **AND** **jgonzalez@delterra.com** .

PROJECT DESCRIPTION: Construction of a 5 level, 500 stall Parking Structure and Pedestrian Bridge located adjacent to Baldwin Park City Hall located at 14403 E. Pacific Ave, Baldwin Park, CA 91706.

PROCEDURES: The City of Baldwin Park seeks contractors with demonstrated experience on public agency projects of similar size and complexity to construct the City of Baldwin Park Transit Center. The contractor ultimately awarded the contract for the subject work, if any is awarded shall have demonstrated annual business revenue of at least **$15,000,000** for each and every one of the last five (5) consecutive years or aggregate total business revenue of **$50,000,000** over five (5) years. That Contractor must have demonstrated experience on a minimum of three (3) comparable public agency projects with that Contractor providing services as general contractor within the last five (5) years.

The prequalification package must be submitted **on or before 6pm on January 4, 2012** (may be submitted prior to the deadline during regular working hours, Monday thru Thursday 8 am to 6 pm) under seal and marked "CONFIDENTIAL" addressed to:

Public Works Department (City Hall, 2nd floor) - c/o Edwin "William" Galvez, P.E.
City of Baldwin Park
14403 E. Pacific Avenue
Baldwin Park, CA 91706

Confidentiality of the information provided will be respected to the extent permitted by law. Response to the Prequalification Questionnaire must be submitted on the forms contained within the Prequalification Questionnaire available at the email address above. All information requested in these forms must be provided in order to be considered "Responsive" to the requirements of the prequalification. Questions are to be directed to Jose Gonzalez at **jgonzalez@delterra.com.**

APPEALS PROCESS FOR PRE-QUALIFICATION OF BIDDERS

Contractors are encouraged to submit prequalification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their prequalification status well in advance of the bid opening for this project. Contractors who submit a complete prequalification package will be notified of their qualification status no later than five business days after submission of the information (prequalification status will be available no later than January 6, 2012).

The City of Baldwin Park may refuse to grant prequalification where the requested information and materials are not provided, or not provided by the submission deadline. There is no appeal from a refusal for an incomplete or late application. The bid opening date will not be changed to accommodate supplementation of or incomplete submissions.

Where prequalification ratings are below that necessary to prequalify, an appeal can be made. An appeal is begun by the contractor delivering notice to the City of its appeal of the decision with respect to its prequalification rating, no later than January 10, 2012, which is at least ten business days prior to the deadline for the receipt of bids for this public works project. Without a timely appeal, the contractor waives any and all rights to challenge the decision of the City of Baldwin Park, whether by administrative process, judicial process, or any other legal process or proceeding.

If the contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after the City's receipt of the notice of appeal and no later than five business days prior to the last date for the receipt of bids on the project. Therefore appeal hearings shall be conducted no later than January 11, 2012. The hearing shall be an informal process conducted by a panel to whom the City has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for the City's pre-qualification determination. The contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision (January 12, 2012). It is the intention of the City that the date for the submission and opening of bids will not be delayed or postponed to allow for a request to extend the appeals process.

The City reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described herein for appealing a prequalification rating. The City reserves the right to waive minor irregularities and omissions in the information contained in the prequalification application submitted and to make all final determinations.

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

GENERAL CONTRACTOR
PRE QUALIFICATION **QUESTIONNAIRE**

For

THE CITY OF BALDWIN PARK TRANSIT CENTER

December 15, 2011

Note: Submission of an incomplete and/or unclear Prequalification Questionnaire may result in the determination of the prospective Contractor as NON-PREQUALIFIED.

SUBMITTED BY:

_____
(Name and Title) **Printed or Type**

_____
(Signature)

_____
(Firm Name. If a Joint Venture, state name of JV Entity)

_____
(Contact Name and License (s) number)

_____
(Address)

_____
(City, State, Zip Code)

_____
(Telephone Number) (Facsimile Number)

_____
(E-mail Address)

Each prospective Contractor must have the following California General Building Contractor's License, License Code: B-1, current, active and in good standing with the California Contractor's State License Board on the date and time the Prequalification Questionnaire submittal is due and must submit this Prequalification Questionnaire with all portions completed, including required attachments.

Each prospective Contractor must answer all of the following questions and provide all requested information, where applicable. Any prospective Contractor failing to do so may be deemed to be not responsive with respect to this Prequalification at the sole discretion of the City of Baldwin Park. Each prospective Contractor must submit **2** copies of the questionnaire. All prospective Contractors that have submitted a Prequalification Questionnaire will be notified in writing of either successfully or not successfully achieving prequalification status.

To the extent permitted by law, the City of Baldwin Park and Del Terra Group will maintain the confidentiality of the information submitted for Prequalification.

It is critical that the prospective Contractor fill out all information required accurately, completely, truthfully and to the best of their knowledge. Ambiguous or incomplete information may lead to an unfavorable rating and subsequent status as non-prequalified.

WHERE NECESSARY, COPY THE FORMS IN THIS PACKAGE. USE ONLY THESE FORMS.

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

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

A prospective Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8, or 9 is "Yes" unless the answer to question 8 is "Yes," and the debarment would be the sole reason for denial of prequalification, then that denial shall only be effective for the debarment period.

1. Prospective Contractor possesses a valid and current license issued by the Contractors State License Board (CSLB): Code B-1.

   ☐ Yes ☐ No

2. Prospective Contractor has a liability insurance policy with a policy limit of at least $10,000,000 per occurrence and $25,000,000 aggregate.

   ☐ Yes ☐ No

3. Prospective Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to California Labor Code sections 3700 *et. seq*.

   ☐ Yes ☐ No

4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?

   ☐ Yes ☐ No

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

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) your current bonding capacity is sufficient for the subject project, and (b) your current available bonding capacity?

   ☐ Yes ☐ No

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

6. Has your contractor's license been revoked at any time in the last (5) five years?

   ☐ Yes ☐ No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

   ☐ Yes ☐ No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

   ☐ Yes ☐ No

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

9. At any time during the last five years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

   ☐ Yes ☐ No

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 per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

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

For Firms That Are Partnerships:

1a. Date of formation: _____

1b. Under the laws of what state: _____

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

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

<u>For Firms That Are Sole Proprietorships</u>:

1a. Date of commencement of business. _____
1b. Social security number of company owner. _____
1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

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

<u>For Firms That Intend to Submit a Bid as Part of a Joint Venture</u>:

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

B. History of the Business and Organizational Performance

1. 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.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.
☐ Yes ☐ No
If "yes," explain on a separate signed page.

3. 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.

4. State your firm's gross revenues for each of the last five years:

_____ _____ _____

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

6. Is your firm currently the debtor in a bankruptcy case?
☐ Yes ☐ No
If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

7. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 6, 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.

C. Licenses

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

_____

_____

9. 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.

_____

_____

10. 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.

11. 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.

12. 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.

D. Disputes

13. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
☐ Yes ☐ No
If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

14. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to 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.

15. 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.

16. In the past five years has any claim **against** your firm concerning your firm's work on a construction project been **filed in court or arbitration?**
☐ Yes ☐ No
If "yes," on separate signed 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 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).

17. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration**?
☐ Yes ☐ No
If "yes," on separate signed 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 of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

18. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?
☐ Yes ☐ No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

19. 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.

E. Criminal Matters and Related Civil Suits

20. 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.

21. 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.

22. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

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

F. Bonding

23. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

_____

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

_____

25. 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:

_____
_____
_____
_____
_____

26. 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.

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

27. 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.

28. 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.

29. 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.

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

_____

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

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.

32. 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.)

H. Prevailing Wage and Apprenticeship Compliance Record

33. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with a 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.

34. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal** Davis-Bacon prevailing wage requirements?
☐ Yes ☐ No
If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

35. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on the subject project for which you may be awarded a contract.

_____

_____

36. If your firm operates its own State-approved apprenticeship program:

(a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

(b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

(c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

_____

_____

_____

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

☐ Yes ☐ No

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

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

38. Each prospective Contractor shall provide information about its three most recently completed public agency projects. 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 Engineer: _____

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

_____

_____

Construction Manager (name and current phone number):

_____

_____

Description of Project, Scope of Work Performed:

_____

_____

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

39. How many multilevel parking structures have you completed over the last five years?

_____.

40. How many multilevel parking structures have you completed in California over the last five years?

_____.

41. How many multilevel parking structures have you completed for a public agency over the last five years?

_____.

* * * * * * *

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

(Name)