

**RESOLUTION NO. 20/21-17
OF THE
PERALTA COMMUNITY COLLEGE DISTRICT
ADOPTING PREQUALIFICATION PROCESS
PURSUANT TO PUBLIC CONTRACT CODE SECTIONS 20101 AND 20651.5**

WHEREAS, the Peralta Community College District ("District") desires to prequalify potential prime contractors and subcontractors for construction work on District projects;

WHEREAS, Public Contract Code sections 20101 and 20651.5 authorize community college districts to require prospective prime contractors and subcontractors to submit a standardized prequalification questionnaire and financial statement (collectively "Prequalification Package") prior to submitting a bid on a contract for a public project;

WHEREAS, Public Contract Code sections 20101 and 20651.5, subdivision (b), authorize community college districts to adopt and apply a uniform system of rating contractors based upon the completed Prequalification Packages ("Prequalification Process");

WHEREAS, District staff have adopted a standardized questionnaire and uniform system of rating potential prime contractors and subcontractors based upon the completed Questionnaires in accordance with Public Contract Code sections 20101 and 20651.5 attached hereto as **Exhibit "A"** ("Questionnaire" and "Rating System");

WHEREAS, the Prequalification Process also provides that the District will notify the contractors in writing of the basis for the contractor's disqualification and allows contractors to dispute their proposed prequalification rating prior to the closing time for receipt of bids including:

(1) If contractor decides to appeal the District's qualification decision, contractor shall submit, in writing, within three (3) working days from notification, a request for a written response to the District to explain any aspect of the District's determination.

(2) Within three (3) working days from receipt of the District's written response to the contractor's request, contractor may submit, in writing, a request for reconsideration by the District's staff including any information that it believes supports a finding that District's determination should be changed.

(3) If the contractor chooses not to avail itself of this process, the proposed prequalification rating may be adopted without further proceedings.

("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 Peralta Community College 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 are authorized pursuant to Public Contract Code sections 20101 and 20651.5.

Section 3. That the District's Chancellor, or the Chancellor's designee, is authorized to implement the Prequalification Process, including accepting the final list of prequalified prime contractors and subcontractors, consistent with Public Contract Code sections 20101 and 20651.5.

Section 4. That pursuant to Public Contract Code section 20101, subdivision (c), "a prequalification pursuant to this process shall be valid for one calendar year following the date of initial prequalification."

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Peralta Community College District on this 13th day of April, 2021, by the following vote:

AYES: Nicky Gonzalez Yuen, Linda Handy, Cindi Napoli-Abella Reiss, Bill Withrow, Kevin Jenkins, Dyana Delfin-Polk, Yiru Ni (Student/Advisory Vote)

NOES:

ABSTENTIONS:


Cynthia Napoli-Abella Reiss (Jul 24, 2021 09:13 PDT)

President of the Board of Trustees of the
Peralta Community College District

Attested to:


Sasha Amiri (Jul 16, 2021 04:44 PDT)

Clerk of the Board of Trustees of the
Peralta Community College District

Exhibit "A"

Prequalification Questionnaire and Rating System

See attached.

- **Quality Bidders Scoring Summary**

To conduct pre-qualification of contractors, California requires the district school board to adopt a uniform rating system. The Quality Bidders application produces a score that can be used, along with financial statements, reference checks, and added district requirements, to aid and facilitate whatever uniform rating system the school board adopts.

The Quality Bidders application is a five-step questionnaire:

1. Step 1 is contractor information, certifications, and qualifications.
2. Step 2 is general requirements. **Answers are scored.**
3. Step 3 is history and performance. **Answers are scored.**
4. Step 4 is recently completed projects and references.
5. Step 5 is additional district requirements and certification/declaration that the responses are true and correct.

Only completed applications can be submitted.

- **Information Required to Submit Application (Step 1)**

Contractor Information

Required	Firm Name
Required	Contact Person
Required	Address
Required	Phone Number
Required	Email Address
Required	License Number and Classification

Business Certifications

Required	Select at least one business certification: Minority Business (MBE), Disadvantaged Business (DBE), Disabled Veteran Business (DVBE), Women Owned Business (WBE), Small Business (SBE), None
Required Response	Qualification (Questions)
Yes	Does Contractor possess a valid and current California Contractor's license for the project or projects for which it intends to submit a bid?
Yes	Does Contractor have a liability insurance policy in accordance with minimum State requirements? (<i>Amount of Coverage</i>)
Yes	Does Contractor have current workers compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et seq.?
No	Has your firm or any of its owners or officers ever 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	Has any contractor's license held by your firm, or its responsible managing employee (RME) or responsible managing officer (RMO), been suspended or revoked at any time in the last five years?
Yes	Has your firm registered using the Department of Industrial Relation's Public Works Contractor Online Application System as required by SB 854? (<i>Contractor Registration Number & Expiration Date</i>)

135 available points
 passing requires 75%
 or **101.25 points**

- Prime Contractor Scoring Summary**

Category	Points Available
Qualification/Licenses	5
Business Information	50
Company History	15
Disputes	20
Bonding	5
Compliance	40

- Prime Contractor Scoring Detail (Steps 1, 2, and 3)**

Available	Qualification (5 points available)				
5	Has any contractor's license held by your firm, or its responsible managing employee (RME) or responsible managing officer (RMO), been suspended or revoked at any time in the last five years? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				
Available	Business Information (50 points available)				
5	Has your firm or any firm with which any of your company's owners, partners or members was associated, ever been disbarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				
5	Has your firm ever 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? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				
5	Has any claim against your firm concerning your firm's work on a Construction project ever been filed in court or arbitration? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				
5	Has your firm ever filed a claim in court or arbitration against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				
5	Has your firm had a contract for a public work of improvement that was terminated for cause by a public agency? Note: you need not answer yes if the public entity terminated the contract for convenience. <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes
5	No				
0	Yes				

5 Has your firm or any of its owners, partners or members 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?

5	No
0	Yes

5 Has your firm or any of its owners, partners or members ever been convicted of a crime involving any federal, state, or local law related to construction?

5	No
0	Yes

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

5	No
0	Yes

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

5	No
0	Yes

5 Within the last five years has there been a period when your firm had employees but was without workers compensation insurance or state-approved self-insurance? If No, please upload 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, upload 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.)

5	No
0	Yes

Available Company History (15 points available)

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

5	Six years or more
4	Five years
3	Four years
2	Three years
1	Two years or less

5 Is your firm currently the debtor in a bankruptcy case? If so, please upload a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed

5	No
0	Yes

5 Was your firm in bankruptcy at any time during the last five years? if so, please upload a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and please attach a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued

5	No
0	Yes

Available Disputes (20 points available)

5 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?

5	No
0	Yes

5 In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

5	No
0	Yes

5 In the last three years has your firm held a public works contract on which more than three (3) stop payment notices were served against your firm?

5	No
0	Yes

5 Did any Stop Payment Notice result in a claim against your Payment Bond?

5	No
0	Yes

Available Bonding (5 points available)

5 Was your firm 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?

5	No
5	Less than 1%
4	1 – 1.25%
3	1.26 – 1.5%
0	Greater than 1.5%

Available Compliance (40 points available)

5 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?

5	No
0	Yes

5 Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

5	No
0	Yes

5 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?

5	No
0	Yes

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

5	Weekly
4	Monthly
2	Quarterly
0	Other

5 List your firm's Experience Modification Rate (EMR) (California workers compensation insurance) for each of the past three premium years. Press the 'Add EMR Rate' button to add each year and rate.

5	EMR 0.95 or less
3	EMR 0.96 – 1.00
0	EMR 1.01 and up

**Score based on worst EMR rate.*

5 Has there been an occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

5	No
0	Yes

5 During the last five years, has there been an 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?

5	No
0	Yes

5 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?

If average gross revenues is more than \$2 million

5	No
5	Yes, 1–2 instances
2	Yes, 3 instances
0	Yes, 4+ instances

If average gross revenues is \$2 million or less

5	No
5	Yes, 1–2 instances
3	Yes, 3 instances
0	Yes, 4+ instances

- **Subcontractor Scoring Summary**

70 available points
 passing requires 75%
 or **52.5 points**

Category	Points Available
Company History	15
Disputes	15
Compliance	40

- **Subcontractor Scoring Detail (Steps 2 and 3)**

Available	Company History (15 points available)										
5	How many years has your organization been in business in California as a contractor under your present business name and license number? <table border="1"> <tr> <td>5</td> <td>Six years or more</td> </tr> <tr> <td>4</td> <td>Five years</td> </tr> <tr> <td>3</td> <td>Four years</td> </tr> <tr> <td>2</td> <td>Three years</td> </tr> <tr> <td>1</td> <td>Two years or less</td> </tr> </table>	5	Six years or more	4	Five years	3	Four years	2	Three years	1	Two years or less
5	Six years or more										
4	Five years										
3	Four years										
2	Three years										
1	Two years or less										
5	Is your firm currently the debtor in a bankruptcy case? If so, please upload a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes						
5	No										
0	Yes										
5	Was your firm in bankruptcy at any time during the last five years? if so, please upload a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and please attach a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes						
5	No										
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5	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? <table border="1"> <tr> <td>5</td> <td>No</td> </tr> <tr> <td>0</td> <td>Yes</td> </tr> </table>	5	No	0	Yes						
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0	Yes										

Available	Compliance (40 points available)								
5	<p>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?</p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">Yes</td> </tr> </table>	5	No	0	Yes				
5	No								
0	Yes								
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5	No								
0	Yes								
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5	Weekly								
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5	<p>List your firm's Experience Modification Rate (EMR) (California workers compensation insurance) for each of the past three premium years. Press the 'Add EMR Rate' button to add each year and rate.</p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">EMR 0.95 or less</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">EMR 0.96 – 1.00</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">EMR 1.01 and up</td> </tr> </table> <p style="text-align: center;"><i>*Score based on worst EMR rate.</i></p>	5	EMR 0.95 or less	3	EMR 0.96 – 1.00	0	EMR 1.01 and up		
5	EMR 0.95 or less								
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5	<p>Has there been an occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?</p> <p style="text-align: center;"><i>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.</i></p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">Yes</td> </tr> </table>	5	No	0	Yes				
5	No								
0	Yes								
5	<p>During the last five years, has there been an 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?</p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">Yes</td> </tr> </table>	5	No	0	Yes				
5	No								
0	Yes								

5

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?

<i>If average gross revenues is more than \$2 million</i>	
5	No
5	Yes, 1–2 instances
2	Yes, 3 instances
0	Yes, 4+ instances
<i>If average gross revenues is \$2 million or less</i>	
5	No
5	Yes, 1–2 instances
3	Yes, 3 instances
0	Yes, 4+ instances

The following questions, **will be used to interview randomly selected contacts from at least two completed projects.**

The DIR model provides a highest possible score of 120 Points and states that a score less than 55 points should disqualify a contractor from bidding. Further the DIR model provides that a score of between 56 and 72 indicates that interview of another completed project should be done. **A score of 72 or higher on each of two interviews is sufficient for pre-qualification.**

a. First, please give a brief description of the project (no score for this one)

1. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)

2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)

3. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)

4. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)

5. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)

6. Was the project completed on time? (10 points if the answer is "Yes") **Or if the answer is "no" then on a scale of 1-10 with 10 meaning that the contractor was not responsible, to what extent was the contractor responsible for the delay in completion?**

7. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)

8. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work (via, 10 points).

9. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)

10. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project or unusual difficulty in resolving them (Max. 10 points)

11. On a scale of 1-10, with 10 being the best, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")

12. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

PRE-QUALIFICATION, EVALUATION QUESTIONS

Copy/Paste into District Notes for each Project where contacts were interviewed

Person Interviewed:

Project Description:

(scale of 1-10, with 1=bad & 10 = good)

01. Adequate Personnel:

02. Adequate Supervision:

03. Adequate Equipment:

04. Timely Paperwork:

05. Adhered to Schedule:

06. On-Time (Yes = 10 ELSE rate NOT Due to Contractor):

07. Charge Order Proposals:

08. Charge Order Work:

09. Commissioning & Warranty Work:

10. Few Claims:

11. Paid Subs & Supplies:

12. Quality of Work:

Total Score:

QF <=55 Fail, IF >=72 Pass, ELSE do another)

(need 2 completed projects >=72 to pass)












Resolution 20/21-17 PCCD Prequal Process

Final Audit Report


2021-07-26

Created:	2021-04-14
By:	samiri_esig@peralta.edu
Status:	Signed
Transaction ID:	CBJCHBCAABAAI-NSISAXY_DvQe_-QLcX9jBTb1tt5_zJ


"Resolution 20/21-17 PCCD Prequal Process" History

-  Document created by samiri_esig@peralta.edu
2021-04-14 - 4:20:13 PM GMT- IP address: 24.5.47.162
-  Document emailed to cindi reiss (cinapoli@aol.com) for signature
2021-04-14 - 4:21:56 PM GMT
-  Email viewed by cindi reiss (cinapoli@aol.com)
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-  Email viewed by cindi reiss (cinapoli@aol.com)
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-  samiri_esig@peralta.edu replaced signer cindi reiss (cinapoli@aol.com) with Cynthia Napoli-Abella Reiss (cinapoli@peralta.edu)
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-  Document emailed to Cynthia Napoli-Abella Reiss (cinapoli@peralta.edu) for signature
2021-04-28 - 4:40:33 PM GMT
-  Agreement modified by samiri_esig@peralta.edu
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-  Agreement modified acknowledged by cindi reiss (cinapoli@aol.com)
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 Agreement modified acknowledged by Cynthia Napoli-Abella Reiss (cinapoli@peralta.edu)

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 Document e-signed by Cynthia Napoli-Abella Reiss (cinapoli@peralta.edu)

Signature Date: 2021-07-24 - 4:13:19 PM GMT - Time Source: server- IP address: 107.115.29.6

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 Document e-signed by Sasha Amiri (samiri@peralta.edu)

Signature Date: 2021-07-26 - 11:44:06 AM GMT - Time Source: server- IP address: 24.5.47.162

 Agreement completed.

2021-07-26 - 11:44:06 AM GMT

