

PREQUALIFICATION QUESTIONNAIRE

As used herein, the term "entity" means the prospective Bidder submitting this Prequalification Questionnaire regardless of whether the entity is an individual company, joint venture, or partnership. Please note that the term "prospective Bidder" may sometimes be used interchangeably with the term "entity."

SUBMITTED BY:

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

(Contact Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Facsimile Number)

(E-mail)

Each prospective Bidder must answer all of the following questions and provide all requested information. Any prospective Bidder failing to do so will be deemed to be not responsive and not prequalified with respect to this Prequalification.

Notification of Prequalification status will be posted on the UC Merced Web Site (<http://www.ucmerced.edu/community/rfprfq.asp>).

Prospective Bidders that can affirmatively respond (i.e. answer YES) to questions 1-8, submit all required information and supporting data, obtain less than 3 points on item #8 Claims History **AND** are determined to have accurately responded to the questions will be prequalified. Only those Bidders that have been determined to be prequalified will be eligible to submit a bid for this Project.

If the prospective Bidder is determined by the University not to be prequalified, the prospective Bidder may request a review by the Facility. Any such request must be received by the Facility within 3 calendar days after receipt by the prospective Bidder of the determination. The decision resulting from such review is final and is not appealable with the University of California. Any person or entity not satisfied with the outcome of the prequalification must file a writ challenging the outcome within 10 calendar days from the date of the University's written notice regarding prequalification determination. Any assertion that the outcome of the prequalification process was improper will not be a ground for a bid protest.

All information submitted for Prequalification evaluation will be considered official information acquired in confidence, and the University will maintain its confidentiality to the extent permitted by law.

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

1. LICENSE(S)

A. Does the entity hold a (B) General Building Contractor license issued in the state of California? Is (are) the license(s) current, active, and in good standing with the California Contractor's State License Board?

License Classification: General Building Contractor or General Engineering Contractor

License Code(s): **B or A**

YES NO

(NOTE -The entity submitting this prequalification questionnaire must be the holder of the requisite license. If the entity submitting is a Joint Venture, the joint venture must hold the license or have applied for the license(s).

B. If yes, provide the following information about the entity's contractor's license:

1. Name of license holder exactly as on file with the California Contractor's State License Board:

2. License Classification(s): _____

3. License Code(s): _____

4. License Number(s): _____

5. Date(s) Issued: _____

6. Expiration Date(s): _____

2. SURETY

Is the entity able to obtain bonding for \$3,500,000?

YES NO

3. CONSTRUCTION EXPERIENCE (IN COMPARABLE PROJECTS)

Has the entity successfully **completed** at least 2 new construction of a Parking Lot with underground utilities and electrical scopes within the last 5 years in the state of California, which had an initial construction value of \$3,500,000 **and** were characterized by one of the following?

- An institutional, university, college location
- Major site utility work for a university or a college
- A CalTrans project or specification

YES NO

COMPLETE AND SUBMIT THE FOLLOWING PROJECT DATA SHEET FOR EACH COMPARABLE PROJECT SUBMITTED AS EVIDENCE OF THE ENTITY'S EXPERIENCE. SUBMIT NOT MORE OR LESS THAN THE NUMBER PROJECT DATA SHEETS CORRESPONDING TO THE REQUIRED NUMBER OF COMPARABLE PROJECTS LISTED ABOVE. SUBMIT DATA SHEETS FOR EACH WORK CATEGORY FOR WHICH THE ENTITY IS REQUESTING PREQUALIFICATION.

PROJECT DATA SHEET

(A separate sheet(s) must be prepared for each project submitted.)

Project Name: _____

Date Begun: _____ Date Completed: _____

Project Location (including full address, if any):

City: _____ State: _____ Zip: _____

Project Description: _____

Construction Type: _____ Size (gross sq. ft.): _____

Business name of entity, which constructed this project:

Did your entity act as the General Contractor for the project?

YES NO

Cost at Bid: \$ _____

Was construction of the project begun and completed within the last 7 years?

YES NO

Project Owner Name: _____

Project Owner Address: _____

City: _____ State: _____ Zip: _____

Design Professional (e.g. the name of the Architect or Engineer of record)

What was the project's delivery method? (Lump Sum, Negotiated, T&M etc.) _____

4. LIQUIDATED DAMAGES

In the last five years, the entity HAS NOT been assessed liquidated damages on a construction contract with either a public or private owner? (a **yes** answer means you have **not** been assessed liquidated damages)

YES NO

5. DISCIPLINARY MEASURES HISTORY

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) has not been disqualified or otherwise barred from doing business with a public agency (e.g., federal, state, county, city, University of California System, California State University System, school district,) within the last 10 years?

YES NO

6. FALSE CLAIMS HISTORY

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) has not been found in a final decision of a court to have submitted a false claim to a public agency (e.g., federal, state, county, city, University of California System, California State University System,) within the last 10 years?

YES NO

7. TERMINATION

Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) HAS NOT been terminated for cause by an Owner after construction commenced within the last 5 years?

YES NO

8. CLAIMS HISTORY

Each prospective Bidder will be evaluated to determine if the prospective Bidder and/or persons or entities associated with prospective Bidder have a history of having unmeritorious claims asserted by or on their behalf in litigation or arbitration and/or of having had meritorious design or construction claims asserted against them in litigation or arbitration.

In order to be evaluated, each prospective Bidder must complete the Claims History portion of this questionnaire. Based on the information provided, each prospective Bidder will be assigned a Claims History score.

One point will be assessed for each qualifying lawsuit or arbitration, commenced within 5 calendar years preceding the deadline for submission of the prequalification questionnaire, in which prospective Bidder and/or persons or entities associated with prospective Bidder, had design or construction claims asserted by or on their behalf that were resolved by trial court judgment, arbitration award or settlement calling for receipt of less than 50% of the total amount of claims asserted in the lawsuit or arbitration.

Additionally, one point will be assessed for each qualifying lawsuit or arbitration, commenced within 5 calendar years preceding the deadline for submission of the prequalification questionnaire, in which prospective Bidder and/or persons or entities associated with prospective Bidder, had design or construction claims asserted against them, that were resolved by trial court judgment, arbitration award or settlement calling for receipt of more than 50% of the total amount of claims asserted in the lawsuit or arbitration.

Any prospective Bidder with a score of 3 or more points will presumptively be considered not prequalified because the prospective Bidder and/or persons or entities associated with prospective Bidder have been a party to 3 or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, unmeritorious design or construction claims or they had meritorious design or construction claims asserted against them.

The presumption may be rebutted if the University determines, after investigating any explanation offered in providing the Claims History, that the prospective Bidder and/or persons or entities associated with prospective Bidder have not been a party to 3 or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, unmeritorious design or construction claims or they had meritorious design or construction claims asserted against them.

If the presumption is not rebutted, the prospective Bidder will be deemed to have an unacceptable Claims History, and will not be prequalified for the Project that is the subject of this prequalification process.

As used herein:

“Lawsuit” means any lawsuit commenced within 5 calendar years preceding the deadline for submission of the prequalification questionnaire

“Arbitration” means any binding arbitration commenced within 5 calendar years preceding the deadline for submission of the prequalification questionnaire

“Claim” means a claim (excluding claims solely for the enforcement of stop notices) arising from design and/or construction work and includes, without limitation, claims for extra compensation and damages (including delay, disruption and acceleration damages, but excluding claims for personal injury or death), and claims for defective design or construction work.

“Pass-Through Claim” has the meaning commonly ascribed to it in the construction industry and also includes (i) any claim that was or is asserted by a person or entity, in whole or in part, against an Owner on behalf of a different person or entity; and (ii) any claim that was or is asserted by an Owner against a person or entity, and that was subsequently reasserted, in whole or in part, against a different person or entity

“Entity” means all entities and individuals who are intended to work as a part of, for, or under the prospective Bidder on the Project that is the subject of this prequalification process and includes, without limitation, such entities or individuals who are prime Bidders, and if a joint venture, all members of the joint venture.

Whenever a person or entity is referred to, the reference includes the person or entity and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, predecessors and successors in interest of or to the person or entity. For instance, a reference to a Bidder includes the prospective Bidder and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, insurers, predecessor businesses and successor businesses of the Bidder.

A. Can entity truthfully state that the entity has **not** been assigned non-prequalified status, in part or in whole, within the past five (5) years, for failure to provide requested information regarding past litigation or arbitration history?

YES NO

B. 1. Lawsuits And Arbitrations **By** Entity:

Can entity truthfully state that, within the past 5 years, the entity has **not** been a party to any lawsuits or arbitrations, where the total amount of Claims (including Pass-Through Claims) asserted **by or on behalf of** the entity exceeded \$50,000?

YES NO

If no, how many? _____

For each such claim, complete a copy of Claim Data Sheet and attach it to the entity's prequalification questionnaire.

2. Lawsuits And Arbitrations **Against** Entity:

Can entity truthfully state that, within the past 5 years, the entity has **not** been a party to any lawsuits or arbitrations where the total amount of Claims (including Pass-Through Claims, and claims for indemnity or contribution) **against** the entity exceeded \$50,000?

YES NO

If no, how many? _____

For each such claim, complete a copy of Claim Data Sheet and attach it to the entity's prequalification questionnaire.

(A separate data sheet must be prepared for each Lawsuit or Arbitration as required above. If the claims were made against the entity and were resolved for more than 50% of the highest amount sought, state why the claims should not be considered meritorious design or construction claims asserted against prospective Bidder and/or persons or entities associated with prospective Bidder:

CLAIM DATA SHEET

(Make Copies of this CLAIM DATA SHEET as Needed.)

Case Name and Number including Name and Location of Court or Arbitration Service:

Date Arbitration or Litigation Commenced: _____

Project or Contract Number: _____

Project Name: _____

Project or Contract Number: _____

Project Location: _____ City) _____ (State)

Name of Owner: _____

Contact Person and Title: _____

Owner's Telephone Number: _____

Description of Claims: _____

Highest Amount Sought For All Claims: \$ _____ (Amount in Figures)

Amount Recovered: \$ _____ (Amount in Figures)

Date of Claim Resolution: _____

Method of Resolution (check one):

Judgment Arbitration Award Settlement

Other – Describe: _____

PREQUALIFICATION DECLARATION

I, _____ (Printed Name),
hereby declare that I am the _____ (Title)
of _____ (Name of Entity)

submitting this Prequalification Questionnaire; that I am duly authorized to sign this Prequalification Questionnaire on behalf of the above named entity; and that all information set forth in this Prequalification Questionnaire and all attachments hereto are, to the best of my knowledge, true, accurate and complete as of its submission date.

The undersigned declares under penalty of perjury that all of the prequalification information submitted with this form is true and correct and that this declaration was executed in _____ (County), _____ (State) on _____ (Date).

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Facsimile Number)

(E-mail - optional)