



CITY OF ESCALON
Request for Annual Prequalification

City of Escalon
2060 McHenry Ave.
Escalon, CA 95320
(209) 691-7400

Prequalification applications may be submitted during regular working hours on any day that the City of Escalon is open, Monday- Friday 8:00am-5:00pm (closed for lunch 12:00pm-1:00pm)

At the City Clerk's Office, Escalon City Hall
2060 McHenry Ave, Escalon, CA 95320
Or by email to cityclerk@cityofescalon.org

For pre-bid information, contact:

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PREQUALIFICATION PROCEDURES FOR ANNUAL PREQUALIFICATION

Notice is hereby given that on January 1, 2024 ("Notice Date"), the City of Escalon ("City") determined that all bidders on City public works projects requiring a Class A contractor license with a contract value greater than \$100,000, or as determined by the City Engineer, must be prequalified as a condition of bidding on said projects. It is mandatory that all contractors who intend to submit bids fully complete the prequalification questionnaire, provide all materials requested herein, and be approved by the City to be on the final bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on a project as a joint venture, each entity within the joint venture must be separately qualified to bid.

Prequalification applications may be submitted by email to cityclerk@cityofescalon.org, by mail or in person during regular working hours on any day that the City of Escalon is open, Monday-Friday 8:00am-5:00pm (closed for lunch 12:00pm-1:00pm), to the City Clerk's office, Escalon City Hall located at 2060 McHenry Ave, Escalon, CA 95320. Contractors who submit a complete prequalification package will be notified by email and first class mail of their qualification status, such notice to be mailed no later than fifteen business days after submission of the information.

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis of rating Contractors with respect to the size and scope of contracts upon which each Contractor is qualified to bid. The City reserves the right to check other sources to obtain additional information or to verify information given by any Contractor as part of the prequalification process. The City's decision will be based on the evaluation criteria identified herein.

Prequalification approval will remain valid for one (1) calendar year from the Notice Date, except that the City reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the prequalification ratings based on subsequently identified information and after giving notice of the proposed action to the Contractor and an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification determination.

While it is the intent of the prequalification questionnaire and documents required therewith to assist the City in determining bidder responsibility prior to the submission of bids and to aid the City in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the City from a post-bid consideration and determination on a specific project of whether a Contractor has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. Contractors 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.

The prequalification packages should be submitted under seal and marked "CONFIDENTIAL" to the City of Escalon, Attention: City Clerk, 2060 McHenry Ave, Escalon, CA 95320. Pre-qualification applications may be submitted during regular working hours on any day that the City of Escalon is

open, Monday-Thursday 8:00am-5:00pm (closed for lunch 12:00pm-1:00pm). If the applicant submits by email to cityclerk@cityofescalon.org, the subject line shall state "PreQualification Application".

The prequalification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law; however, the contents may be disclosed to third parties for the purpose of verification, investigation of allegations that may impact Contractor's prequalification status, and in the process of an appeal hearing. State law provides that the names of contractors applying for prequalification status are public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

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. The Contractor shall provide only complete and accurate information. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the City and provide updated accurate information in writing and under penalty of perjury. The City may verify any or all information provided in completed prequalification packages, consider information provided by sources other than the prospective bidder, and conduct such investigations as the City deems appropriate to assist in the evaluation of Contractor's responsibility, qualifications and financial capacity.

The City will evaluate all completed prequalification packages on a Pass/Fail basis as well as a points-based rating system. In order to prequalify for this Project, Contractor must obtain a "Pass" rating on all of the criteria set forth in Part 2 and meet the minimum rating requirements of the City for Part 3. Those Contractors who do not obtain a "Pass" rating for all of the criteria in Part II will not be prequalified to participate in bidding for the contract to perform the Project regardless of the score obtained in Part 3. A score sheet for Part 3 is included as Attachment 2 in the prequalification package.

The City reserves the right to reject any or all prequalification packages and to waive any irregularities in any prequalification package submittal. The City reserves the right to determine that any Contractor is not qualified at any time before or after the prequalification packages are received and evaluated if it finds that information provided therein is inaccurate, misleading or false, or upon evidence of collusion or other illegal practices on the part of a Contractor. The City, in its sole discretion, expressly reserves the right to cancel the prequalification process at any time, including but not limited to, after the deadline for the receipt of prequalification packages, reject any prequalification packages received by the City and competitively bid any contract without first prequalifying the bidders. 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 below for appealing a prequalification rating. The City may conduct a final review of the information submitted by the Contractor just prior to the award of the bid to confirm that the information submitted has not changed.

A Contractor who has submitted a completed application form, and who receives a rating of "not qualified" from the City may appeal that determination. There is no appeal from a finding that a

Contractor is not prequalified because of a failure to submit required information, but re-application is permitted. A Contractor may appeal the City's decision with respect to its request for prequalification, and request a hearing, by giving written notice of appeal and submitting a deposit of one thousand dollars (\$1,000) to the City no later than ten (10) working days after City's issuance of the written notice of the Contractor's qualification status. Unless City receives the written notice of appeal and deposit within the time specified above, the Contractor waives any and all rights to challenge the qualification decision of the City, 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 ten (10) working days after the City's receipt of the Contractor's Notice of Appeal and the \$1,000 filing deposit. The hearing so provided 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 prequalification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the prequalification determination. At the conclusion of the hearing or no later than two (2) working days after completion of the hearing, the Appeals Panel will render its decision, which will be final and binding. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process. If the Contractor's appeal is rejected by the Appeals Panel, the Contractor's \$1,000 filing deposit shall be forfeited to the City. Otherwise the deposit will be returned to the Contractor following issuance of the Appeals Panel's decision.

The prequalification package, its completion and submission by the Contractor, and its use by the City, shall not give rise to any liability on the part of the City to the Contractor or any third party or person. This is not a solicitation for bid. The Contractor accepts all risk and cost associated with the completion of the prequalification package without financial guarantee.

A Contractor may be found not prequalified for bidding on a specific public works contract to be let by the City, or on all contracts to be let by the City until the Contractor meets the City's requirements. In addition, a Contractor may be found not prequalified for either omission of requested information or falsification of information.

* * * * *

NOTICE: To contractors who are using subcontractors for a City public works project, please be advised that the City **may** require, as to subcontractors, one of the following:

- The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:
- Prequalification of all subcontractors.
- Prequalification of subcontractors in certain crafts.
- Post-bid qualification review.

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required.

**STATEMENT OF QUALIFICATIONS
PREQUALIFICATIONS QUESTIONNAIRE FOR
CITY OF ESCALON**

PART I. CONTACT INFORMATION

Full Name of Contractor (as it appears on license):		
Type of Organization (Corporation, Partnership, Sole Proprietor, etc.):		
Corporate Tax ID No.:		
Is the corporation currently registered and in good standing with the State of California Secretary of State?		
Street Address of Contractor:		
City:	State:	Zip:
Contractor's Contact Person:		
Phone:	Cell Phone:	Fax:
Email Address:		
Contractor's License Number(s):		
If firm is a sole proprietor or partnership: Owner(s) of Company:		

PART II. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “yes.”¹ If the answer to question 3 is “yes,” and if debarment would be the sole reason for denial of prequalification, any prequalification issued will exclude the debarment period. An answer “no” to any of the questions 6 through 9 will be rated a “Fail” and the Contractor will be disqualified.

1. Has your contractor’s license been revoked at any time in the last five years?

☐ Yes ☐ No

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

☐ Yes ☐ No

3. At the time of submitting this prequalification 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:

4. 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

5. Is your current company Experience Modification Rate (EMR) greater than 1.25? (3 points)

☐ Yes ☐ No

Note: Documentation is required. If it is not attached, this question will be scored as if a “Yes” answer was given.

6. Contractor possesses a valid and current California Contractor’s license for Class A?

☐ Yes ☐ No

7. Contractor will comply with and provide all insurance as defined in Attachment No. 1, Liability and Insurances.

☐ Yes ☐ No

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

☐ Yes ☐ No

¹ A contractor disqualified solely because of a “Yes” answer given to question 1, 2, or 3 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

9. Has your firm completed at least three (3) Public Works project of at least \$750,000 total combined completed volume within the last 18 months (at least 3 references):

☐ Yes ☐ No

If the answer is Yes, Please list the projects below.

<p>The below information shall be used by the City to contact the Owners, or its representative, as applicable, on each of the below-listed projects to confirm that the above requirements have been met and to ask the authorized representative of the Owner, as applicable, who has personal knowledge of Contractor's performance and is able to provide an informed response to the following question: "Would you recommend the Contractor for employment on another project? Please respond 'yes' or 'no.'" As set forth above, an answer of "no or no comment" will be rated a "Fail" and the Contractor will be deemed not prequalified.</p>		
Project No. 1		
Project Name:		
Owner:		
Describe Type of Construction:		
Total Contract Amount: \$		
Construction Time (in calendar days):		
Owner's Representative:		
Owner's Representative Telephone No.:		
Owner's Representative Email:		
Construction Manager (if applicable):		
Construction Manager Telephone No.		
Construction Manager Email:		
Date of Notice to Proceed:		
Date of Completion (NOC or other formal written acceptance by the awarding body):		
Additional Notes from Contractor:		
<p>To be completed by City: Recommend Contractor?</p>		<input type="checkbox"/> Yes
		<input type="checkbox"/> No

Project No. 2		
Project Name:		
Owner:		
Describe Type of Construction:		
Total Contract Amount: \$		
Construction Time (in calendar days):		
Owner's Representative:		
Owner's Representative Telephone No.:		
Owner's Representative Email:		
Construction Manager (if applicable):		
Construction Manager Telephone No.		
Construction Manager Email		
Date of Notice to Proceed:		
Date of Completion (NOC or other formal written acceptance by the awarding body):		
Additional Notes from Contractor:		
To be completed by City: Recommend Contractor?		<input type="checkbox"/> Yes
		<input type="checkbox"/> No
Project No. 3		
Project Name:		
Owner:		
Describe Type of Construction:		
Total Contract Amount: \$		
Construction Time (in calendar days):		
Owner's Representative:		
Owner's Representative Telephone No.:		
Owner's Representative Email:		
Construction Manager (if applicable):		
Construction Manager Telephone No.		
Construction Manager Email:		
Date of Notice to Proceed:		
Date of Completion (NOC or other formal written acceptance by the awarding body):		

<i>Additional Notes from Contractor:</i>		
<i>To be completed by City: Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>To be completed by City:</i> <i>Other Sources not provided by contractor-Recommend Contractor?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**PART III. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE
WITH CIVIL AND CRIMINAL LAWS**

HISTORY AND ORGANIZATION PERFORMANCE

- 1. Has there been any change in ownership of the firm at any time during the last three years:**

☐ 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?**

☐ Yes ☐ No

If "yes" explain on a separate signed page.

- 3. Are any corporate officers, partners or owners connected to any other construction firms currently or in the last five years?**

☐ Yes ☐ No

If "yes" explain on a separate signed page.

- 4. State your firm's gross revenues for each of the last three years (Not Scored):**

Year 20____, Gross Revenue_____

Year 20____, Gross Revenue_____

Year 20____, Gross Revenue_____

Three year average gross revenue: _____

- 5. How many years has your organization been in business in California as a contractor under your present business name and license number? (5 points possible)**

_____Years

- 6. Is your firm currently the debtor in a bankruptcy case? (6 points possible)**

☐ 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? (3 points possible)

(This question refers only to a bankruptcy action that was not described in answer to question 3, 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.

LICENSES

8. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm (Not Scored):

Contractor must possess a valid Class A contractor's license to be considered.

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

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

10. 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? (3 points possible)

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

DISPUTES

11. 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 points possible)?

☐ Yes ☐ No

If "Yes", how many projects with liquidated damages of \$5,000 or more: _____ projects

- 12. 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 (5 points possible)?**

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

☐ Yes ☐ No

- 13. 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 (5 points possible)?**

☐ Yes ☐ No

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.

- 14. 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 (5 points possible)?**

☐ Yes ☐ No

If "Yes", number of claims: _____ claims

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).

- 15. 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 (5 points possible)?**

☐ 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.

- 16. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm (5 points possible)?**

☐ Yes ☐ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

CRIMINAL MATTERS AND RELATED CIVIL SUITS

- 17. 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 (5 points possible)?**

☐ 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.

- 18. 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 (5 points possible)?**

☐ 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.

- 19. 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 (5 points possible)?**

☐ 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.

BONDING

- 20. 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 (5 points possible)?**

☐ 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 that denied coverage; and the period during which you had no surety bond in place.

COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH LAWS AND WITH OTHER LABOR LEGISLATION SAFETY

- 21. 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 points possible)?**

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

"Yes", number of times penalized: _____

22. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years (5 points possible)?

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", number of times penalized: _____ times penalized

23. 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 points possible)?

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", number of times penalized: _____ times penalized

24. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project (3 points possible)?

25. Within the last five years (or as long as your firm has been in business if it has been in business for less than five years) has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance (5 points possible)?

☐ Yes ☐ No

PREVAILING WAGE AND APPRENTICESHIP COMPLIANCE RECORD

26. 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 the state's prevailing wage laws (5 points possible)?

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", number of times required to pay back wages or penalties: _____ times penalized

27. 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 (5 points possible)?

☐ Yes ☐ No

If "Yes", number of times required to pay back wages or penalties: _____ times penalized

28. 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 (5 points possible)?

☐ Yes ☐ No

If "Yes", number of violations: _____ violations

* * * * **AFFIDAVIT** * * * *

We, the undersigned, _____ (name) as the authorized representatives for _____ (company) an interested Contractor for the City of Escalon's Annual Prequalification process, do hereby attest that all statements and representations made herein are true and correct to the best of our knowledge. These statements are made openly and freely without intent to influence or embellish actual conditions or circumstances that occurred. I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

We understand that the City will investigate any and all statements and representations made by us and our firm in this Prequalification Questionnaire and we freely give our permission for them to do so. Should releases be required by any of our professional, financial, or bonding institutions to release verification of the enclosed data, we have provided them. We agree to waive any claims against the City, City's Representative, Construction Manager, Architect, Engineer and/or any third party designated by the City for the release of the information necessary to evaluate this Statement of Qualifications. We further understand that any false statement or representations made in this application will result in disqualification of our firm as a prequalified contractor. If it is determined that these false statements or representations were purposefully made to change, hide, or obscure negative information from the City in an attempt to qualify under these false pretenses, the action will result in loss of eligibility for our firm to qualify for any City of Escalon contracts for a minimum period of one (1) year and a maximum period of five (5) years from the date of discovery.

(Name and Title)

(Signature)

Attested:

Corporate Seal

(Name and Title)

(Signature)

Date:

END OF QUESTIONNAIRE

ATTACHMENT A – INSURANCE & INDEMNITY

Contractor to furnish a statement from its broker or insurance carrier(s) it will utilize on the project certifying that the following insurance requirements below will be met:

(a) Neither the Contractor nor any subcontractors shall commence any work until all required insurance has been obtained at their own expense. Such insurance must have the approval of the City as to limit, form, and amount, and shall be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(b) Prior to execution of the Contract, the Contractor shall furnish the City with properly endorsed ACORD forms. The City, however, retains the right to request the original certificates of insurance and endorsements affecting coverage for all required policies.

(c) All of the Contractor's policies shall contain an endorsement providing that written notice shall be given to the City at least thirty (30) calendar days prior to termination, cancellation, or reduction of coverage in the policy.

(d) Any policy or policies of insurance that the Contractor elects to carry as insurance against loss or damage to its construction equipment and tools shall include a provision therein providing a waiver of the insurer's right to subrogation against the City, the Construction Manager, the Owner's Representative, the Architect and each of their officers, employees, agents and volunteers.

(f) The requirements as to the types, limits, and the City's approval of insurance coverage to be maintained by the Contractor are not intended to, and shall not in any manner, limit or qualify the liabilities and obligations assumed by the Contractor under the Contract.

(g) In addition to any other remedy the City may have, if the Contractor or any of the subcontractors fail to maintain the required insurance coverage, the City may obtain such insurance coverage as is not being maintained, in form and amount substantially the same as required herein, and the City may deduct the cost of such insurance from any amounts due or which may become due the Contractor under this Contract.

Coverage Requirements

The Contractor and all subcontractors shall, at their expense, maintain in effect at all times during the performance of work under the Contract not less than the following coverage and limits of insurance, which shall be maintained with insurers and under forms of policy satisfactory to the City.

(a) Worker's Compensation and Employer's Liability. The Contractor and all subcontractors shall maintain insurance to protect the Contractor or subcontractor from all claims under Worker's Compensation and Employer's Liability Acts. Such coverage shall be maintained, in type and amount, in strict compliance with all applicable State and Federal

statutes and regulations. The Contractor shall execute a certificate in compliance with Labor Code Section 1861, on the form provided in the Contract Documents. For all workers' compensation policies a waiver of subrogation in favor of the City shall apply.

(b) Commercial General and Automobile Liability Insurance

(i) Form and Amounts. The insurance shall include, but shall not be limited to, protection against claims arising from death, bodily injury, personal injury, or damage to property resulting from actions, failures to act, operations or equipment of the insured, or by its employees, agents or consultants, or by anyone directly or indirectly employed by the insured. The amount of insurance coverage shall not be less than \$5,000,000.00 per occurrence with an aggregate no less than two (2) times the required per occurrence limit applying to bodily injury, personal injury, and property damage, or any combination of the three. Any deductibles must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles as respects the entity, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration expenses, and defense expenses.

(ii) Additional Requirements. The commercial general and automobile liability insurance coverage shall also include the following:

a. A provision or endorsement naming the City, the Construction Manager, the Owner's Representative, the Architect and each of their officers, employees, agents and volunteers, each as additional insured with respect to any potential liability arising out of the performance of any work under the Contract, and providing that such insurance is primary insurance as respects the interest of the City, and that any other insurance, risk pool membership, or other liability protection maintained by the City, the Construction Manager, the Owner's Representative, the Architect and each of their officers, employees, agents and volunteers, is excess to the insurance required hereunder, and will not be called upon to contribute to any loss unless and until all limits available under the contractor's and subcontractor's insurance policy/policies have been paid.

b. A "Cross Liability" or "Severability of Interest" clause.

Broad Form Property Damage, Personal Injury, Contractual Liability, Protective Liability, and Completed Operations coverages, and elimination of any exclusion regarding loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to by insurers as the "XCU" hazards.

c. A provision or endorsement stating that such insurance, subject to all of its other terms and conditions, applies to the liability assumed by the Contractor under the Contract, including, without limitation, indemnity and litigation costs.

d. A provision or endorsement stating that any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall

not affect coverage provided to the City, the Construction Manager, the Owner's Representative, the Architect and their officers, officials, employees, or volunteers.

e. A provision or endorsement stating that the Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(iii) SPECIAL NOTICE: Claims Made Coverage. Liability insurance coverage shall not be written on a "claims made" basis. The Certificate of Insurance must clearly provide that the coverage is on an "occurrence" basis.

(c) Builder's Risk or Installation Floater "All-Risk" Insurance. Before commencement of the work, the Contractor shall submit written evidence that it has obtained for the period of the Contract, Builder's Risk "All-Risk" Completed Value Insurance and/or Inland Marine "All-Risk" Installation Floater Insurance, as may be applicable, upon the entire project which is the subject of this Contract, including completed work and work in progress. The policy or policies of insurance shall name the Contractor, Architect, City, and Engineer and their agents as insureds as their respective interests may appear, and shall include an insurer's waiver of subrogation rights in favor of each. Such insurance may have a deductible clause, but the amount of the deductible shall be subject to the approval of the City, except that the deductible on earthquake coverage may be in accordance with the underwriter's requirements.

(d) Contractors Pollution Liability
Pollution Coverage shall be provided on a Contractors Pollution Liability form or other form acceptable to City providing coverage for liability arising out of sudden, accidental and gradual pollution and remediation. The policy limit shall be no less than one million dollars (\$1,000,000) per claim. All activities contemplated in this agreement shall be specifically scheduled on the policy as "covered operations." The policy shall provide coverage for the hauling of waste from the project site to the final disposal location, including non-owned disposal sites.

Indemnity Agreement

Contractor shall indemnify and hold harmless City, its officers, employees, agents and volunteers from and against all liability, loss, damage, expense, and cost (including, without limitation, reasonable legal counsel fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with Contractor's negligence, recklessness, or willful misconduct in the performance of work hereunder, or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage caused by the active negligence or willful misconduct of the City. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

ATTACHMENT B - LIST OF SCORABLE QUESTIONS AND SCORING INSTRUCTIONS

Part III - History and Organizational Performance				
5	<p>How many years has your organization been in business in California as a contractor under your present business name and license number?</p> <p>3 years or less = 2 points 4 years = 3 points 5 years = 4 points 6 or more years = 5 points</p>	____ years		____ Points
6.	<p>Is your firm currently the debtor in a bankruptcy case? If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.</p> <p>2 or more cases = 0 points 1 case = 3 points 0 cases = 6 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
7.	<p>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 7, above) 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.</p> <p>"No" = 3 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
9.	<p>Has your firm changed names or license number in the past five years? (6 points possible)</p> <p>2 or more changes = 0 points 1 change = 3 points 0 change = 6 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Licenses				
10.	<p>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? If "yes," explain on a separate signed page, including the reason for the change.</p> <p>"No" = 3 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Disputes				
11.	<p>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? 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.</p> <p>No projects with liquidated damages of more than \$5,000, or one project with liquidated damages = 5 points Two projects with liquidated damages of more than \$10,000 = 3 points Any other answer = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

12.	<p>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?</p> <p>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.</p> <p>If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for prequalification 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.</p> <p>"No" = 5 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
13.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
<p>* * * * *</p> <p>NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.</p>				
14.	<p>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?</p> <p>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).</p> <p>If the firm's average gross revenue for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" if more than 2 such instances.</p> <p>If your firm's average gross revenue for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances. 3 points for "Yes" indicating either 4 or 5 such instances. 0 points for "Yes" if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

15.	<p>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?</p> <p>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.</p> <p>5 points for either "No" or "Yes" indicating 1 such claim. 3 points for "Yes" indicating no more than 2 such claims Subtract five points for "Yes" if more than 2 such claims</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
16.	<p>In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?</p> <p>If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.</p> <p>5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" or if more than 2 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

Criminal Matters and Related Civil Suits

17.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = subtract 5 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
18.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = subtract 5 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
19.	<p>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?</p> <p>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.</p> <p>"No" = 5 points "Yes" = subtract 5 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

Bonding

20.	<p>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?</p> <p>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 that denied coverage; and the period during which you had no surety bond in place.</p> <p>"No" = 5 points "Yes" = 0 points</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety				
21.	<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> <p>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.</p> <p>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.</p> <p>If the firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" if more than 2 such instances.</p> <p>If the firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances. 3 points for "Yes" indicating either 4 or 5 such instances. 0 points for "Yes" if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
22.	<p>Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?</p> <p>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.</p> <p>If "yes," attach a separate signed page describing each citation.</p> <p>If the firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1 such instance. 3 points for "Yes" indicating 2 such instances. 0 points for "Yes" or if more than 2 such instances.</p> <p>If the firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances. 3 points for "Yes" indicating either 4 or 5 such instances. 0 points for "Yes" if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

23.	<p>Has the EPA or any Air Quality Management City 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?</p> <p>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.</p> <p>If “yes,” attach a separate signed page describing each citation.</p> <p>If the firm’s average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either “No” or “Yes” indicating 1 such instance. 3 points for “Yes” indicating 2 such instances. 0 points for “Yes” or if more than 2 such instances.</p> <p>If the firm’s average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances. 3 points for “Yes” indicating either 4 or 5 such instances. 0 points for “Yes” if more than 5 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
24.	<p>How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p> <p>3 points for an answer of once each week or more often. 0 points for any other answer</p>	_____		____ Points
25.	<p>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?</p> <p>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.)</p> <p>5 points for either “No” or “Yes” indicating 1 such instance. 0 points for any other answer.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
Prevailing Wage and Apprenticeship Compliance Record				

26.	<p>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 the state's prevailing wage laws?</p> <p>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.</p> <p>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.</p> <p>If your firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No," or "Yes" indicating either 1 or 2 such instance. 3 points for "Yes" indicating 3 such instances. " 0 points for "Yes" and more than 3 such instances.</p> <p>If your firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating no more than 4 such instances. 3 points for "Yes" indicating either 5 or 6 such instances. 0 points for "Yes" and more than 6 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points
27.	<p>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?</p> <p>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.</p> <p>If your firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows: 5 points for either "No," or "Yes" indicating either 1 or 2 such instance. 3 points for "Yes" indicating 3 such instances. " 0 points for "Yes" and more than 3 such instances.</p> <p>If your firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows: 5 points for either "No" or "Yes" indicating no more than 4 such instances. 3 points for "Yes" indicating either 5 or 6 such instances. 0 points for "Yes" and more than 6 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	____ Points

28.	<p>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?</p> <p>NOTE: You may omit reference to any incident that occurred prior to January 1, 2008, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.</p> <p>If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).</p> <p>If your firm's average gross revenues for the last three years was less than \$15 Million, scoring is as follows:</p> <p>5 points for either "No," or "Yes" indicating either 1 or 2 such instance.</p> <p>3 points for "Yes" indicating 3 such instances. "</p> <p>0 oints for "Yes" and more than 3 such instances.</p> <p>If your firm's average gross revenues for the last three years was more than \$15 Million, scoring is as follows:</p> <p>5 points for either "No" or "Yes" indicating no more than 4 such instances.</p> <p>3 points for "Yes" indicating either 5 or 6 such instances.</p> <p>0 points for "Yes" and more than 6 such instances.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>____</p> <p>Points</p>
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CITY OF ESCALON

PREQUALIFICATION EVALUATION

Contractor Name: _____

	Evaluation Criteria	Required Rating	Actual Rating
Part II:	Essential Requirements	Pass	
Part III:	1 –20 History of Business and Organizational Performance 73 points possible	62 points	
	21 – 28 Safety, Prevailing Wage and Apprenticeship 38 points possible	27 points	

RESOLUTION NO. 40-17**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCALON,
ESTABLISHING A FEE FOR FILING AN APPEAL OF A PREQUALIFICATION
DETERMINATION FOR BIDDING ON PUBLIC WORKS CONSTRUCTION AND
MAINTENANCE PROJECTS AS A \$1,000 DEPOSIT**

WHEREAS, the City of Escalon has established the City's system for prequalification of prospective bidders for public works construction and maintenance projects; and

WHEREAS, any bidder aggrieved by a prequalification determination may appeal the determination; and

WHEREAS, the City of Escalon Prequalification Resolution xx-17 Exhibit "A" outlines procedures for "Appeals" which establishes the process for filing an appeal of a prequalification determination; and

WHEREAS, the City of Escalon Prequalification Resolution xx-17 Exhibit "A" requires that all written notices of appeal shall be accompanied by a fee in the amount established by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escalon hereby establishes the fee for filing an appeal of a prequalification determination made by the City as a \$1,000 deposit.

PASSED, APPROVED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES: Councilmember Fox, Alves, Murken, Swift, Mayor Laugero

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:


ADRI CRIM, Deputy City Clerk


JEFF LAUGERO, Mayor