

**MARIN COMMUNITY COLLEGE DISTRICT
PREQUALIFICATION FOR B LICENSED CONTRACTORS**

NOTICE IS HEREBY GIVEN that the Marin Community College District (the District) of Kentfield CA., acting through its Governing Board, hereinafter the District, is seeking to prequalify B licensed contractors who wish to compete for the award of the **Science Math Central Plant Building (SMCP)** construction contract. The District anticipates to bid and award construction of this contract utilizing traditional lump sum/low bid. General Contractors that wish to bid on this project are required to participate in this pre-qualification effort. The District anticipates that the following project will be bid.

College of Marin – Kentfield Campus

Science Math Central Plant Building (new construction)
Engineer's Estimate = \$ 49,000 million
Approximate total square footage = 77,000

Project Scope: This project consists of construction of a new 77,000 gross square foot Science Building to replace the existing 55,000 square foot 1960's Science structure. The three-story building includes wet labs, dry labs, class rooms and a central plant for nearby buildings. Adjacent softscape and hardscape is included. The new building is rated by the United States Green Building Council (USGBC) and will feature a partial "green" roof, and a heating system utilizing water-fed heat pumps from the common geothermal field.

The Project is located at the District's Kentfield Campus, 835 College Ave, Kentfield, CA 94904. Only the contractors who prequalify through this process will be eligible to bid on this project. It is anticipated that this project will be bid within three months of the establishment of a pre-qualified pool of bidders. In the event that the bidding of this project is delayed, the list of contractors determined prequalified to bid these projects will remain in effect for approximately 12 months.

Prequalification submittals must be marked clearly on the envelope with your firm name and "Prequalification for B Licensed Contractors Science Math Central Plant Building" and filed with Swinerton Management & Consulting, Inc. the District's Capital Improvement Program Manager, at College of Marin, 835 College Ave, Building MS-3, Kentfield, CA 94904 (mailing address – PO Box 144003, Kentfield, CA 94914 no later than **Thursday, April 9, 2009**.

Procurement of prequalification documents: Prequalification submittals will be received only from B Licensed Contractors. Prequalification questionnaires are available by contacting Elizabeth Bornstein of Swinerton Management & Consulting, Inc. at (415) 884-3139 or from the College of Marin's website.

An Optional Prequalification Conference: A prequalification conference for assistance in completing the prequalification package is scheduled for **Thursday, March 26, 2009 at 10:00 AM**. Interested parties are to meet at the College of Marin, Kentfield Campus, 835 College Ave, Building MS-3, Kentfield, CA 94904. Please see maps on the college's website at www.marin.edu.

Requirements for Prequalification: The District's evaluation is solely for the purpose of determining which contractors are deemed responsible and qualified. Prequalification of bidders will be reviewed and determined by the District based upon the submitted Prequalification application and any other information available to the District. The District may request a contractor submit additional information pertinent to the Application. The District also reserves the right to investigate other available sources in addition to any documents or information submitted by the Contractor.

The District retains the sole discretion to determine issues of compliance and to determine whether a bidder is responsive and responsible. The District will determine a contractor's quality, fitness and capacity to perform this project satisfactorily. The District's decision on Prequalification will be based on the affirmation of several factors including but not limited to the following:

REQUIRED CONTENTS OF PREQUALIFICATION PACKAGE SUBMISSION

1. Transmittal Letter
2. Table of Contents
3. Completed Prequalification Questionnaire (Attachment A)
 - PART A: Acknowledgement and Release
 - PART B: Contact Information
 - PART C: Contractor's License
 - PART D: Safety, Prevailing Wage, Disputes and Bonds
 - PART E: Experience of Contractor (Recent Projects)
 - PART F: Financial Information
 - PART G: Insurance Information
 - PART H: Litigation and Arbitration History
 - PART I: Declaration

A contractor may be deemed not pre-qualified for failing to meet the District's criteria, and a contractor may be automatically not pre-qualified for any one of the following:

1. Omission of requested information
2. Falsification of information
3. Lack of required valid contractor's license
4. Lack of bondability
5. Lack of insurability
6. Lack of Declaration under penalty of perjury of Application by a duly authorized officer of the firm.
7. Lack of experience in constructing comparable projects

Contract Requirements: Contractors are advised that the contractor qualified and selected for the project as the lowest responsible prequalified bidder shall be subject to and must fully comply with all of the requirements of the bidding documents including but not limited to the provision of a Payment Bond and a Performance Bond. The bonds shall be in the form of surety bonds issued by a corporation licensed in the State of California and satisfactory to both the District and its agents. Sureties must be California State registered Class "A" Sureties. In accordance with provisions of Public Contract Code Section 22300, substitution of eligible and equivalent securities for any monies withheld to ensure performance under this contract will be permitted at the request and expense of the Contractor.

Prevailing Wage Requirements: Contractors are further informed that they will be subject to and must comply with all of the requirements under the California Labor Code to pay the general prevailing rate of per diem wages and for holiday and overtime work to all workers employed by the contractor. Copies of prevailing rates of per diem wages are available from the Department of Industrial Relations, State of California (http://www.dir.ca.gov/dlsr/statistics_research.html).

Labor Compliance Program: This project may be required to conform to a Labor Compliance Program in accordance with the requirements of the Department of Industrial Relations, State of California.

Final Determination: Contractors will be advised of their pre-qualification status within approximately **30 calendar days** after receipt of pre-qualification submittals. If a contractor disagrees with the determination regarding their pre-qualification status, a written request for a hearing is required within 10 days from the receipt of the notice. Written requests are to be submitted to V-Anne Chernock, Director of

Modernization, 835 College Ave, Kentfield, CA 94904. The decision made by the Director of Modernization is final and may not be appealed any further.

Confidentiality: Responses to the Prequalification application and questionnaire and any financial information submitted for Prequalification evaluation are not public records and not open to public inspection. The District will maintain the confidentiality of these records to the extent permitted by law. In the event a third party requests these confidential records, the District will notify the affected contractor, and it shall be the contractor's responsibility to defend the District in any action to compel disclosure of the contractor's confidential information.

Please contact Elizabeth Bornstein at (415) 884-3139 for a complete prequalification package.

The Marin Community College District is an equal opportunity employer.

Published Dates: March 12, 2009
 March 19, 2009

REQUIRED CONTENTS OF PREQUALIFICATION PACKAGE SUBMISSION

1. Transmittal Letter. The Transmittal Letter, page one of the submittal, shall name the contractor, its legal structure (i.e., wholly owned subsidiary, corporation, partnership, proprietorship, limited partnership, joint venture). If a joint venture or partnership is proposed, Bidder shall identify each and every partner and/or member of the joint venture and their roles and responsibilities.
2. Table of Contents. Create and insert a table of contents, after the transmittal letter, listing all of the documents included in your submittal. *Your submittal should not exceed 25 total pages.*
3. Completed Questionnaire. Bidder shall include a completed (Prequalification Questionnaire) in the form attached to these instructions (Attachment "A"). Bidder shall make sure its answers to the Questionnaire correctly and completely describe itself. Add supplementary information if necessary, if you believe that such information would benefit the Bidder in receiving a positive result of this Pre-Qualification process. Questionnaire includes the following:
 - a. Acknowledgement and Release
 - b. Contact Information
 - c. Contractor's License – List all California contractor licenses that are held by the firm
 - d. Safety, Prevailing Wage, Disputes and Bonds
 - i. Capability to Provide Required Performance and Payment Bonds. Bidder shall include a letter from a corporate surety duly licensed to do business in the State of California, having a financial rating from A.M. Best Company of A IX or better that the surety has agreed to provide Bidder with the required performance and payment bonds in accordance with the requirements set forth in the bid documents (Construction Performance Bond) and (Construction Labor and Material Payment Bond). Such performance and payment bonds shall be in the minimum penal sums provided therein.
 - e. Experience of Contractor (Recent Projects) – A minimum of three past projects comparable to the scope of work identified for this project is required. A firm's inability to demonstrate prior experience on a minimum of three comparable projects may result in a determination of not pre-qualified to bid this project.
 - f. Financial Information
 - g. Insurance Information - The District will utilize the SEWUP OCIP (Owner Contracted Insurance Program) Program administered by Keenan & Associates. Pre-qualified bidders and the firm (and its subcontractors) awarded a contract for construction will be required to conform to the requirements of the OCIP Program. The OCIP program will provide the following coverage: General Liability, Worker's Compensation, Contractor's Pollution Liability, and Builder's Risk "Course of Construction" Insurance.
 - h. Litigation and Arbitration History
 - i. Signed Declaration by the Prospective Contractor

GENERAL CONDITIONS

- A. General Conditions for Content. The Prequalification Package submitted by the firm shall be clear and concise to enable management-oriented personnel to make a thorough evaluation and arrive at a sound determination as to whether the prequalification package meet District's requirement. To

this end, the prequalification package should be as specific, detailed and complete as to demonstrate clearly and fully that the Bidder has a thorough understanding of and has demonstrated knowledge of the requirements to perform the Work (or applicable portion thereof).

- B. Acknowledgement and Release. By signature and date on the Acknowledgement and Release (of this document), prospective bidder authorizes any financial institution, credit reporting agency and/or service, legal firm or any other type of business, agency or individual named within this document to release to the District (or District's designated representative) any and all information as that information relates, or could relate, to their ability to evaluate the background, stability and general worthiness of this bidder to perform current or future construction activities if Pre-Qualified and awarded a contract by the District.
- a. A photocopy of this page (with the bidder's signature and date) shall be deemed as valid as an original document with the bidder's original signature.
 - b. This Acknowledgement and Release shall remain in effect until such time as the bidder, in writing, requests that the District cease any attempt to evaluate himself/herself/themselves as potential Pre-Qualified bidder for construction work on the campuses of the Marin Community College District.
- C. Reserved Right. The District reserves the right, for the sole purpose of evaluating a potential Pre-Qualification candidate (bidder), to make other inquiries as permitted by law.

ATTACHMENT "A" – Prequalification Questionnaire

Bidders shall complete the entire Prequalification Questionnaire and submit it in accordance with Instructions provided by the District. Failure to complete the questionnaire or inclusion of any false statement(s) shall be ground for immediate disqualification.

PART A: ACKNOWLEDGEMENT AND RELEASE

By signature and date on this page (of this document), prospective bidder authorizes any financial institution, financial reporting agency and/or service, legal firm or any other type of business, agency or individual named within this document to release to the District (or District’s designated representative) and all information as that information relates, or could relate, to their ability to evaluate the background, stability and general worthiness of this bidder to perform current or future construction activities if Pre-Qualified and awarded a contract by the District.

A photocopy of this page (with the bidder’s signature and date) shall be deemed as valid as an original document with the bidder’s original signature.

This Acknowledgement and Release shall remain in effect until such time as the bidder, in writing, requests that the District cease any attempt to evaluate himself/herself/themselves as potential Pre-Qualified bidder for construction work on the campuses of the Marin Community College District.

Name of Firm: _____

Authorized Firm Signature: _____

Printed Name and Title: _____

Date: _____

PART B: CONTACT INFORMATION

Firm/Contractor Name: _____

Business Address: _____

Telephone: _____ Fax: _____

Email: _____

Type of Firm: Corporation: _____ Proprietorship: _____ Partnership: _____
Joint Venture: _____ Other (please describe): _____

Name and title of person completing this questionnaire: _____

Phone: _____

Email: _____

PART C: CONTRACTOR'S LICENSE

1. The Firm/Contractor must be licensed in the State of California. Name of license holder on file with the California State License Board: _____
License Classification & Number(s): _____ Expiration Date(s): _____
Number of years license has been issued under firm name: _____
2. Within the past five years, has the firm been subject to disciplinary action by the California State License Board? YES NO If yes, provide details of each action on attached page.
3. Have any officers or principals of the firm ever had their contractor's license suspended or revoked for any reason?
YES NO If yes, please explain on attached page.

PART D: SAFETY, PREVAILING WAGE, DISPUTES AND BONDS

1. Has there been an inquiry or charge by the U.S. or California Department of Labor, Division of Industrial Relations against your firm within the past five (5) years?
YES NO If yes, attach description of inquiry or charge and its status. Include: project name, project address, Date of Inquiry/Violation, Description of Inquiry/Violation, Current Status and/or Resolution.
2. Does your firm have any outstanding judgments, demands or liens resulting from violations of the California Labor Code, California Business and Professions Code or State Licensing laws?
YES NO If yes, attach description of outstanding judgment(s), demand or lien and its status. Include: project name, project address, Date of Inquiry/Violation, Description of Inquiry/Violation, Current Status and/or Resolution.
3. Is your firm currently under investigation by any Federal or state agency for failing to comply with Federal or state laws, including but not limited to the California Labor Code, California Business and Professions Code or State Licensing laws?
YES NO If yes, attach description of investigation and its status. Include: project name, project address, Date of Inquiry/Violation, Description of Inquiry/Violation, Current Status and/or Resolution.
4. Has your firm been cited for OSHA violations within the past five (5) years?
YES NO If yes, attach description of violation and its status. Include: project name, project address, Date of Inquiry/Violation, Description of Inquiry/Violation, Current Status and/or Resolution.
5. Does Bidder have home office safety representative(s) who regularly visit/audit the job site?
YES NO
Name and title of person: _____

Phone: _____

Email: _____

6. Please attach a copy of your firm's EMR verification for the State of California or from your insurance company.
7. Do you employ properly registered apprentices upon Public Works projects, in accordance with California Code of Regulations Title 8, Division 1, Chapter 2, Subchapter 1, Article 10, Section 230.1 (authority cited: Labor Code Sections 1777.5, 1777.6, 1777.7)?

If not, please explain how you comply with applicable Labor Code requirements:

8. In accordance with the California Labor Code, a certified copy of all employees' payroll records shall be made available upon request.
Have you provided certified payrolls on a minimum of 1 construction project within the last two (2) years?

YES NO If yes, please complete the following:

Project Name: _____

Name of Awarding Agency: _____

Total Certified Payroll: _____

Contact Person (name and telephone number): _____

PREVAILING WAGE PROVISIONS

9. Has Bidder been fined, penalized or otherwise found to have violated any prevailing wage or labor code provision? If yes, attach description of each occurrence.

YES NO If yes, attach description of violation and its status. Include: project name, project address, Date of Inquiry/Violation, Description of Inquiry/Violation, Current Status and/or Resolution.

BONDING INFORMATION

Prospective General Contractors desiring to be prequalified are informed that they will be subject to and must fully comply with all Bid conditions including providing 100% payment and 100% performance bonds. Prospective Contractors shall submit the below form, signed by representative of surety and notarized. If firm has used current surety for less than five (5) years, list surety(ies) previously used and indicate number of years used to demonstrate five (5) complete years of surety history.

10. Is it true that the surety has *not* paid out any monies for the construction activities of the prospective General Contractor whatsoever within the last five (5) years?
YES NO If answer is no, explain on attached additional sheets.

11. How long has the Prospective Contractor been with this surety and what is the surety's rating?

Number of Years: _____

A.M. Best Rating: _____

12. Surety Declaration:

Provide this Declaration to your surety(ies) for completion. Do not have the surety submit this information directly to the College. Please include as part of your submittal.

The undersigned declares that the prospective general contractor is able to abide by the bonding requirements indicated above.

_____ (County), _____, (State) on _____ (Date).

(Signature)

(Name and Title - Printed or Typed)

(Representing [Insurance Company Name])

(Firm Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Facsimile Number)

(Email Address)

(ATTACH NOTARIZATION OF SURETY REPRESENTATIVE'S SIGNATURE)

PART E: EXPERIENCE OF CONTRACTOR

The unique nature of the Project requires prior similar experience for the firm and the Key Personnel assigned. Summarize similar project experience below and provide the detailed project information requested:

Recent Projects. List three recent projects completed for an Educational or Public entity in the past five years and indicate who were the Contractor's Project Manager and Superintendent. The projects will be similar in size and scope to the project(s) chosen for each prequalification. Failure to submit three comparable projects may result in a determination of "not prequalified" to bid this project. If a separate sheet is used, it must contain all of the following information:

Complete three sheets for each prequalification. Make copies of additional sheets as needed.

1. Project Name: _____
Location: _____
Owner: _____
Owner Contact (name and phone): _____
Architect/Engineer: _____
Architect/Engineer Contact (name / phone number): _____
Owner's Const. Mgr. or Project Mgr. (name / phone number): _____
Contractor's Project Manager (name): _____
Contractor's Superintendent (name): _____
Description of Project, Scope of Work Performed: _____

Total Construction Cost: _____
Total Change Order Amount: _____
Original Scheduled Date of Completion: _____
Time Extensions Granted (number of Days): _____
Actual Date of Completion: _____
Number of Stop Notices filed by Subcontractors or Suppliers: _____

2. Project Name: _____
Location: _____
Owner: _____
Owner Contact (name and phone): _____
Architect/Engineer: _____
Architect/Engineer Contact (name / phone number): _____
Owner's Const. Mgr. or Project Mgr. (name / phone number): _____
Contractor's Project Manager (name): _____
Contractor's Superintendent (name): _____

Description of Project, Scope of Work Performed: _____

Total Construction Cost: _____
Total Change Order Amount: _____
Original Scheduled Date of Completion: _____
Time Extensions Granted (number of Days): _____
Actual Date of Completion: _____
Number of Stop Notices filed by Subcontractors or Suppliers: _____

3. Project Name: _____
Location: _____
Owner: _____
Owner Contact (name and phone): _____
Architect/Engineer: _____
Architect/Engineer Contact (name / phone number): _____
Owner's Const. Mgr. or Project Mgr. (name / phone number): _____
Contractor's Project Manager (name): _____
Contractor's Superintendent (name): _____
Description of Project, Scope of Work Performed: _____

Total Construction Cost: _____
Total Change Order Amount: _____
Original Scheduled Date of Completion: _____
Time Extensions Granted (number of Days): _____
Actual Date of Completion: _____
Number of Stop Notices filed by Subcontractors or Suppliers: _____

PART F: FINANCIAL INFORMATION

1. What were the contractor's annual revenues for the complete previous year?
Over \$ 10 million Under \$ 10 Million (check one only)
2. Has Bidder ever reorganized or sought any other type of protection under the protection of bankruptcy laws?
YES NO If yes, please state when _____
3. Identify at least one banking institution where Bidder does business:

Name of Institution: _____

Address: _____

Contact person/Phone number _____

Number of years with this institution: _____

Optional Information (not required)

Type(s) of accounts: _____

Average monthly balance: _____

Credit limit: _____

Security required for credit/credit increase: _____

PART G: INSURANCE INFORMATION

1. Provide your insurance carrier information for the last 5 years. If you have had more than one insurance provider in the last 5 years please provide the following information for all insurance providers on an attached sheet:

Agency Name: _____

Contact Name: _____

Phone Number: _____

Carrier: _____

A.M. Best Rating: _____

2. Has Bidder ever had insurance terminated by a carrier?
YES NO If yes, explain on a separate signed sheet marked with correlating cross-reference to this paragraph of the questionnaire.

Insurance Declaration:

The undersigned declares that the insurance limits indicated above are true and correct and that this declaration was executed in

_____ (County), _____, (State) on _____ (Date).

(Signature)

(Name and Title - Printed or Typed)

(Representing [Insurance Company Name])

(Firm Name)

(Address)

(City, State, Zip Code)

Telephone Number)

(Facsimile Number)

(Email Address)

(ATTACH NOTARIZATION OF INSURER REPRESENTATIVE'S SIGNATURE)

PART H: LITIGATION AND ARBITRATION HISTORY

List **all** projects within the last ten (10) years in which claims were made against your firm, or any principal of your firm, or claims you made against an Owner, which resulted in litigation, arbitration, mediation or settlement (attach additional sheets, if necessary). Separately list all **CURRENT AND/OR PENDING** disputes. For **each** such claim, provide the information below. State:

- Whether it was resolved via mediation, arbitration, or litigation
- Whether additional compensation was sought
- Whether additional time was sought
- The type of claim(s) involved (e.g., delay, disruption, liquidated damages, change order dispute, breach of contract, indemnity)

If none, indicate "none." Do not leave blank.

Project and Owner Name: _____

Project Address: _____

Dated Completed: _____

Initial Contract Value (award): _____

Final Contract Value: _____

Entity(ies) making Claim(s), dollar amount of Claim(s), time amount in Claim(s): _____

Type of Claim(s) (e.g., delay, disruption, liquidated damages, change order dispute, indemnity):

Brief overview of the claim and final resolution: _____

Please attach additional pages if necessary.

PART I: DECLARATION by Prospective General Contractor

The undersigned declares under penalty of perjury under the laws of the State of California that all of the Prequalification information submitted with this application is true and correct and a duly authorized officer of the Firm executed this Declaration at _____, California.

Dated: _____

Firm Name

Signature

Title