## Prequalification Documents

## Cover Sheet and Instructions

|  |  |
| --- | --- |
|  | APPROVED DOCUMENT – This document is approved by the Office of the President and Office of the General Counsel for use by the Facility. |
|  |  |
| **PURPOSE OF DOCUMENT:** | Obtain prequalification information from the prospective Contractors and evaluate each entity to determine if that entity is prequalifed and eligible to submit a bid. |
| **CONTENTS:** | **Prequalification Documents** (including Prequalification Questionnaire, Prequalification Evaluation, Level 2 Interview Requirements, and Level 2 Interview Scoring Evaluation) |
| **FOR USE WITH:** | √ | Long Form (LF) | √ | Brief Form (BF) | √ | Mini Form (MF) |
| **COMPLETED BY:** | √ | Filling in | √ | Adding Text |  | No Data Required |
| **ITS USE IS:** | √ | Required |  | Optional |

**Completion Instructions:**

1. Notes, suggested text, instructions and other information is formatted using the following methods:

* Read hidden text shaded in gray within brackets. {This is an example of the format.} Read the material within the brackets and take the appropriate action (usually inserting text or selecting from a choice of texts.) When printing this document, the default print property will not print the hidden text.
* Fill-in coded instruction within brackets. The instructions and shading will disappear when the required information is typed.

**Modifications and Additions:**

1. **SECTION 4** **Construction Experience**
2. ***Project Data Sheet*** - Addition of more data fields in order to capture relevant project data. Additional data will be used to bolster UC Construction Comps data. **Campuses can either forward electronic copies of the Project Data Sheets or the entire Prequalification Questionnaire - to UCOP, whichever is easiest.**
3. ***Total Construction Cost – Project Data Sheet*** – It is solely the campuses discretion whether or not to require prospective bidder to provide a response to Total Construction Cost for the project their firm is submitting under Project Experience.

**Comments:**

1. Prequalification will comprise EITHER a SINGLE-STEP or TWO-STEP approach. The first step always includes the Prequalification Questionnaire and Prequalification Evaluation. These documents include a series of consecutively numbered pass/fail questions, and if the Facility elects, several points-based questions in conjunction with the pass/fail questions. Prior to advertisement, Facility may elect to follow a TWO-STEP approach. The first step is the Prequalification Questionnaire and Prequalification Evaluation. The second step is an interview process including panel interviews and subsequent scoring according to the pre-established criteria.

2. The approach to be followed should be identified in the Advertisement for Prequalification. For details, refer to the embedded instructions in the Advertisement for Prequalification.

1. If the SINGLE-STEP approach is used, the “Level 2 Interview Requirements” and “Level 2 Interview Scoring Evaluation” are unnecessary and should be omitted.

4. If the TWO-STEP approach is used, the “Level 2 Interview Requirements” is released to those prospective Contractors who achieve Level 1 prequalification status.

{FACILITY TO USE THIS QUESTIONNAIRE FOR *EITHER SINGLE STEP OR TWO-STEP* PREQUALIFICATION PROCESS}

**PREQUALIFICATION QUESTIONNAIRE**

For

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) |

*{FACILITY TO SELECT* ***ONLY ONE*** *OF THE FOLLOWING* ***FOUR*** *PARAGRAPHS:}*

***{USE IF PASS/FAIL QUESTIONNAIRE WITHOUT INTERVIEW; OTHERWISE DELETE}***

Each prospective Bidder must answer all of the following questions and provide all requested information, where applicable. Any prospective Bidder failing to do so will be deemed to be not responsive and not responsible with respect to this Prequalification at the sole discretion of the University of California. All Bidders that have submitted a Prequalification Questionnaire will be notified in writing of whether or not they have successfully achieved Prequalification status. Prospective Bidders that affirmatively respond (i.e. answer YES) to all questions, submit all required information and supporting data, 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.

***{USE IF POINTS QUESTIONNAIRE WITHOUT INTERVIEW; OTHERWISE DELETE****}*

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. All Bidders that have submitted a Prequalification Questionnaire will be notified in writing of whether or not they have successfully achieved Prequalification status. Prospective Bidders that affirmatively respond (i.e. answer YES) to all questions requiring a “yes” or “no”, submit all required information and supporting data, obtain a total of at least {NUMBER} out of a possible {NUMBER, e.g. 90} points, 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.

***{USE IF PASS/FAIL QUESTIONNAIRE (Level 1) PLUS INTERVIEW (Level 2); OTHERWISE DELETE}***

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. Bidders that affirmatively respond (i.e. answer YES) to all questions requiring a “yes” or “no”, submit all required information and supporting data, AND are determined to have accurately responded to the questions will have achieved Level 1 Prequalification status. All Bidders that have submitted a Prequalification Questionnaire will be notified in writing of whether or not they have successfully achieved Level 1 Prequalification status. Only those Bidders that have successfully achieved Level 1 Prequalification status will be permitted to participate in the Level 2 Prequalification process. Only those Bidders that successfully achieve Level 2 Prequalification status will be determined to be prequalified and only those so prequalified will be eligible to submit a bid for this Project.

***{USE IF POINTS QUESTIONNAIRE (Level 1) PLUS INTERVIEW (Level 2; OTHERWISE DELETE}***

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. Bidders that affirmatively respond (i.e. answer YES) to all questions requiring a “yes” or “no”, submit all required information and supporting data, obtain a total of at least {NUMBER} out of a possible {NUMBER, e.g. 90} points, AND are determined to have accurately responded to the questions will have achieved Level 1 Prequalification status. All Bidders that have submitted a Prequalification Questionnaire will be notified in writing of whether or not they have successfully achieved Level 1 Prequalification status. Only those Bidders that have successfully achieved Level 1 Prequalification status will be permitted to participate in the Level 2 Prequalification process. Only those Bidders that successfully achieve Level 2 Prequalification status will be determined to be prequalified and only those so 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 within 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 in response to sections 8 and 13 and marked as “confidential” will be considered official information acquired in confidence, and the University of California will maintain its confidentiality unless (1) the University determines that it is required to release the information to a third party pursuant to the requirements of the California Public Records Act or (2) the University is required by court order to release the information to a third party pursuant to the requirements of the California Public Records Act. In the event that the University receives a request pursuant to the California Public Records Act and the University determines that it is required to disclose information marked “confidential” by the provisions of the California Public Records Act, the University will notify the prospective bidder of the pending disclosure at least 72 hours prior to such disclosure so that the prospective Bidder may seek a restraining order in advance of such disclosure. The University shall err on the side of transparency and will generally treat information provided by the prospective bidder that is not marked “confidential” as subject to disclosure pursuant to the California Public Records Act. Likewise, any decision by the University that any document is subject to disclosure pursuant to the California Public Records Act shall not prevent the University from making a subsequent determination that any document is not subject to disclosure pursuant to the California Public Records Act.

All other 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) AND REGISTRATION**

A. Does the entity hold the following California contractor's license(s), which is(are) current active, and in good standing with the California Contractor's State License Board?

License Classification:

License Code(s): {OPTIONAL: and C-{NUMBER}

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):

C. Can you truthfully state that the entity's contractor's license has not been suspended or revoked by the California Contractor's State License Board within the last years?

YES [ ]  NO [ ]

D. Are the Contractor and all Subcontractors, regardless of tier, currently registered with the California Department of Industrial Relations pursuant to California Labor Code Section 1725.5 and 1771.1, or will Contractor and all Subcontractors be registered at time of bid?

YES [ ]  NO [ ]

**2. SURETY**

Prospective Bidder shall obtain and submit the Surety Declaration in the form shown below, signed by an authorized representative of the surety proposed to be used for this project and notarized.

A. Is the surety to be used for this project authorized by the Insurance Commissioner to transact business in the State of California as an admitted surety insurer (as defined in the California Code of Civil Procedure Section 995.120)?

YES [ ]  NO [ ]

B. Is the entity able to obtain bonding for ?

YES [ ]  NO [ ]

C. Can the entity truthfully state that **no** surety has paid out any monies on claims on the performance bond issued by a surety for the benefit of the Owner arising out of the construction activities of the entity within the last {number, e.g. 5} years?

YES [ ]  NO [ ]

D. Can the entity truthfully state that **no** surety has paid out any monies on claims on the payment bond issued by a surety for the benefit of the Owner arising out of the construction activities of the entity within the last {number, e.g. 5} years?

YES [ ]  NO [ ]

E. Surety Declaration:

PROVIDE THIS DECLARATION TO YOUR SURETY(IES) FOR COMPLETION. DO NOT HAVE THE SURETY SUBMIT THIS INFORMATION DIRECTLY TO THE UNIVERSITY.

The undersigned declares under penalty of perjury that the bonding capacity indicated above is true and correct and that this declaration was executed in

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (County), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (State)

on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date).

|  |
| --- |
|  |
| (Signature) |
|  |
| (Name and Title - Printed or Typed) |
|  |
| (Representing [Surety Name]) |
|  |
| (Entity Name) |
|  |
| (Address) |
|  |
| (City, State, Zip Code) |
|  |  |  |
| (Telephone Number) |  | (Facsimile Number) |
|  |  |  |
|  |
| (E-mail) |

*(ATTACH NOTARIZATION of SURETY REPRESENTATIVE’S SIGNATURE)*

**3. INSURER**

Prospective Bidder shall obtain and submit the Insurance Declaration in the form shown below, signed by an authorized representative of its insurer and notarized. (If more than one insurer, submit a completed form for each insurer).

A. Is the entity able to obtain insurance in the following limits for this construction contract?

YES [ ] [ ]  NO [ ]

{Ensure the required insurance listed here is the same as that in the Supplementary Conditions.}

|  |  |
| --- | --- |
| Commercial Form General Liability Insurance\* - Limits of Liability | Minimum Requirement |
| Each Occurrence - Combined Single Limit for Bodily Injury and Property Damage | $ |
| Products - Completed Operations Aggregate | $ |
| Personal and Advertising Injury | $ |
| General Aggregate | $ |
|  |  |
| Business Automobile Liability Insurance\* - Limits of Liability | Minimum Requirement |
| Each Accident - Combined Single Limit for Bodily Injury and Property Damage | $ |
|  |  |
| Workers Compensation and Employer’s Liability Insurance\*\*  | Minimum Requirement |
| Workers Compensation: | (as required by Federal and State of California law) |
| Employer’s Liability: Each Employee  Each Accident Each Policy | $1,000,000$1,000,000$1,000,000 |

\*This insurance must be (i) issued by companies with a Best rating of A- or better, and a financial classification of VIII or better (or an equivalent rating by Standard & Poor or Moody's) or (ii) guaranteed, under terms consented to by the University (such consent to not be unreasonably withheld), by companies with a Best rating of A- or better, and a financial classification of VIII or better (or an equivalent rating by Standard & Poor or Moody's). Further, the deductible, or retained limit, for each coverage shall not be more than $100,000.

\*\*This insurance must be issued by companies (i) that have a Best rating of B+ or better, and a financial classification of VIII or better (or an equivalent rating by Standard & Poor or Moody's); or  (ii) that are acceptable to the University

B. Insurance Declaration:

PROVIDE THIS DECLARATION TO YOUR INSURANCE CARRIER FOR COMPLETION. DO NOT HAVE THE CARRIER SUBMIT THIS DECLARATION DIRECTLY TO THE UNIVERSITY.

The undersigned declares under penalty of perjury that below named insurer is currently willing to provide the insurance listed above and that this declaration was executed in

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (County), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (State)

on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date).

|  |
| --- |
|  |
| (Signature) |
|  |
| (Name and Title - Printed or Typed) |
|  |
| (Representing [Insurer Name]) |
|  |
| (Entity Name) |
|  |
| (Address) |
|  |
| (City, State, Zip Code) |
|  |  |  |
| (Telephone Number) |  | (Facsimile Number) |
|  |  |  |
|  |
| (E-mail) |

*(ATTACH NOTARIZATION of INSURER REPRESENTATIVE’S SIGNATURE)*

**4. CONSTRUCTION EXPERIENCE** (IN COMPARABLE PROJECTS)

Has the entity successfully ***completed*** at least comparable projects within the last years, all of which were constructed in the United States of America and of which was constructed in the State of California?

YES [ ]  NO [ ]

A. Subject to the above qualifications, a “comparable project” is defined as having ALL of the following:

1. A construction cost at the bid date of at least {AMOUNT, GENERALLY NOT IN EXCESS OF 70% OF ESTIMATED CONSTRUCTION COST} ; AND

2. Delivery method(s): {e.g. one or more of the following: Lump Sum, Design Build, CM at Risk, Job Order/IDIQ, etc}.

3. At least of the following construction types:

EX: Structural Steel

Cast-in-Place Concrete

Pre-cast Concrete

4. Constructed by the entity submitting this Prequalification Questionnaire. (Note: Projects completed by present employees of the Bidder for former employers are ***not acceptable***.)

5. At least of the projects must be characterized by the following:

{EXAMPLES: Public sector work; OR involving a new research laboratory building, hospital, or special-purpose facility (e.g., a structure for aerospace research, testing, develop­ment, or manufacturing, with a controlled environment)

B.   An entity wishing to use a predecessor business to satisfy prequalification requirements must demonstrate with written information submitted with this Prequalification Questionnaire that it is substantially the same organization (in terms of who is managing Bidder) as the predecessor business. An entity may meet the requirement of the preceding sentence by demonstrating that the same person is the qualifying individual (under California Contractor’s License Law) for:

1.          Contractor’s license of Bidder which shall be the same type as license required for the Contract; and

2.          Contractor’s license of predecessor business which shall also be the same type as the license required for the Contract.

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.

PROJECT DATA SHEET

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

1. Project Name:

2. Project Location (including full address, if any):

City:       State:       Zip:

3. Project Description (Include any other pertinent details about the project e.g. new construction or remodel/renovation, number of floors/rooms/units ):

4. Building type (e.g. Student Housing, Hospital, Classrooms, etc.):

5. Construction Type:

6. Size (gross sq. ft.):       (assigned sq. ft.)***:***

7. a. Cost at Bid: $

 b. Change Orders:

 c. Construction Cost: $

 d. Total Project Cost: $

8. Construction Start date       Construction Completion date (or estimated date):

9. Business name of entity which constructed this project:

10. Did your entity act as a General Contractor during the entire project?

YES [ ]  NO [ ]

11. Project Owner Name:

. Project Manager:

 Project Owner Address:

City:       State:       Zip:

(Telephone Number)

E-mail Address:

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

Design Professional Firm:

Telephone Number       E-mail Address:

14. Design Professional’s Subconsultants (including structural engineer and mechanical engineer, if any):

a. Structural Engineer:

Contact Name:

Telephone Number       E-mail Address:

b. Mechanical Engineer:

Contact Name:

Telephone Number       E-mail Address:

c. Electrical Engineer:

Contact Name:

Telephone Number       E-mail Address:

14. Delivery method: Did the project use one of the delivery method(s) listed in Question 4(A) (2)?

YES [ ]  NO [ ]

15. Type of construction information: Did the project require the type(s) of construction listed in Question 4(A) (3)?

YES [ ]  NO [ ]

16. Was the project characterized by the item(s) listed in Question 4(A)(4)

YES [ ]  NO [ ]

*(Attach additional pages with other pertinent project information as necessary.)*

**5. STAFF EXPERIENCE**

Have the Project Manager, and Project Superintendent successfully *completed* at least comparable projects, as defined in Question 5.

A. PROJECT MANAGER:

1. The name of the Project Manager to be committed to this project {INSERT REQUIREMENT, e.g., on at least a half time basis} and continuously retained throughout this project is:

(Attach resume)

2. Present position/job function within entity:

3. The Project Manager named above was assigned to the following comparable projects:

 Project: Construction Cost:

a.

b.

4. The Project Manager named above worked on the following projects for which Project Data Sheets are submitted: (NOTE: IF THE ABOVE DESIGNATED INDIVIDUAL DID NOT WORK IN THIS CAPACITY ON AT LEAST COMPARABLE PROJECTS FOR WHICH PROJECT DATA SHEETS WERE SUBMITTED, PROVIDE A PROJECT DATA SHEET FOR OF THE PROJECTS LISTED IN RESPONSE TO A.3 ABOVE.)

a.

b.

B. FULL-TIME PROJECT SUPERINTENDENT:

1. The name of the Project Superintendent to be committed to this project on a full-time basis and continuously retained throughout this project is:

(Attach resume)

2. Present position/job function within entity:

3. The Project Superintendent named above was assigned to the following comparable projects:

 Project: Construction Cost:

a.

b.

4. The Project Superintendent named above worked on the following projects for which Project Data Sheets are submitted: (NOTE: IF THE ABOVE DESIGNATED INDIVIDUAL DID NOT WORK IN THIS CAPACITY ON AT LEAST COMPARABLE PROJECTS FOR WHICH PROJECT DATA SHEETS WERE SUBMITTED, PROVIDE A PROJECT DATA SHEET FOR OF THE PROJECTS LISTED IN RESPONSE TO B.3 ABOVE.)

a.

b.

**6. SAFETY PROGRAM**

A. Does the entity have a written Injury and Illness Prevention Program (IIPP) that complies with Title 8 of the California Code of Regulations?

YES [ ]  NO [ ]

B. Does the entity have a written safety program that meets CAL/OSHA requirements?

YES [ ]  NO [ ]

C. Will the entity have personnel permanently assigned and dedicated to Safety on this project?

YES [ ]  NO [ ]

D. Is the entity’s Experience Modification Rate (EMR) less than {NUMBER, typically 1.0 but campus may insert a different number between 0.8 and 1.3 if necessary to assure a sufficient number of bidders}for each of the past {NUMBER, e.g. 3} premium years?

YES [ ]  NO [ ]

Year:       EMR:

Year:       EMR:

Year:       EMR:

Attach verification of EMR from State of California or from insurance company.

E. The entity HAS NOT had any Cal-OSHA fines in the Serious, Repeat or Willful categories within the past {NUMBER, e.g. 10} years?

YES [ ]  NO [ ]

**7. QUALITY CONTROL/QUALITY ASSURANCE PROGRAM (QC/QA)**

A. Does the entity have a written quality control/quality assurance program?

YES [ ]  NO [ ]

If YES, submit a copy of your QC/QA program with this submission.

B. Will the entity have personnel permanently assigned and dedicated to QC/QA on this project?

YES [ ]  NO [ ]

**8. BUSINESS CONSTRUCTION REVENUE**

For the purposes of this Prequalification Questionnaire, "business construction revenue" shall be defined as payments to entity for construction services.

Can you truthfully state that the entity has had an annual business construction revenue of at least

 for each and every one of the last {NUMBER, e.g. 5} consecutive calendar years?

YES [ ]  NO [ ]

**9. LIQUIDATED DAMAGES**

A. In the last five years, the entity HAS NOT been assessed liquidated damages of more than $ {NUMBER} on a construction contract with either a public or private owner?

[ ]  Yes [ ]  No

**10. DISCIPLINARY MEASURES HISTORY**

A. Can you truthfully state that the entity (nor any member of the entity if a joint venture or partnership) has (under its current name or under any other alias) 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 years?

YES [ ]  NO [ ]

**11. 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 years?

YES [ ]  NO [ ]

**12. TERMINATION**

 A. 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 {NUMBER, e.g. 5} years?

 YES [ ]  NO [ ]

**OPTIONAL QUESTIONS IN STEP 1: DELETE IF NOT USED**

**13. CLAIMS HISTORY (TOTAL POINTS AVAILABLE =** **{e.g. 10} )**

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 unmeritious 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 deducted from the total available points 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 deducted from the total available pointsfor 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, unmeritious 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, unmeritious 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 prequalifed 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 contractors, 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 Contractor 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 non-prequalified, 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 tothe entity’s prequalification questionnaire.

CLAIM DATA SHEET

(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:

(Make Copies of the 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 TelephoneNumber:

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:

**{STEP 2 IS OPTIONAL. INSERT SUPPLEMENTARY QUESTIONS IF USING COMBINED PASS/FAIL AND POINT SCORING. ALSO, SELECT APPLICABLE PARAGRAPH ON FIRST PAGE.}**

**14.** Financial Data (Total Points Available = )

(Of Entity submitting prequalification questionnaire; not parent company or subsidiary of entity.)

A. Current Assets

A.1Current assets, previous fiscal year: $

A.2 Current assets, most recent quarter, this fiscal year: $

A.3 Current assets, next most recent quarter, this fiscal year: $

B. Current Liabilities

B.1 Current liabilities, previous fiscal year: $

B.2 Current liabilities, most recent quarter, this fiscal year: $

B.3 Current liabilities, next most recent quarter, this fiscal year: $

C. Total Debt

C.1 Total debt, previous fiscal year: $

C.2 Total debt, most recent quarter, this fiscal year: $

C.3 Total debt, next most recent quarter, this fiscal year: $

D. Total Net Worth

D.1 Total net worth, previous fiscal year: $

D.2 Total net worth, most recent quarter, this fiscal year: $

D.3 Total net worth, next most recent quarter, this fiscal year: $

**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) |