February 9, 2010

The Honorable Denise Moreno Ducheny  
Chair, Joint Legislative Budget Committee  
State Capitol, Room 5035  
Sacramento, California 95814  

Dear Senator Ducheny:

Pursuant to Chapter 367, Statutes of 2006, Senate Bill 667, enclosed is the University of California's interim report to the Legislature on the Best Value Pilot Program.

If you have any questions regarding this report, Associate Vice President Debora Obley would be pleased to speak with you. She can be reached by telephone at (510) 987-9112, or by e-mail at Debora.Obley@ucop.edu.

With best wishes, I am,

Sincerely yours,

Mark G. Yudof
President

Enclosure

cc: The Honorable Gloria Romero, Chair  
Senate Budget and Fiscal Review Subcommittee #1  
(Attn: Ms. Seija Virtanen)  
(Attn: Ms. Cheryl Black)  
The Honorable Wilmer Amina Carter, Chair  
Assembly Budget Subcommittee #2  
(Attn: Sara Bachez)  
(Attn: Amy Rutschow)  
Ms. Ana J. Matosantos, Director of Finance  
Mr. E. Dotson Wilson, Chief Clerk of the Assembly  
Mr. Gregory Schmidt, Secretary of the Senate  
Ms. Diane Boyer-Vine, Legislative Counsel  
Ms. Sara Swan, Department of Finance  
Joint Legislative Budget Committee (18)  
Executive Vice President Nathan Brostrom  
Senior Vice President Daniel Dooley  
Vice President Patrick Lenz  
Associate Vice President and Director Steve Juarez  
Associate Vice President Debora Obley  
Executive Director Jenny Kao  
Interim Executive Director Marsha Sato
Interim Report on the Best Value Pilot Program
January 2010
Legislative Report

UC is not just an institution of higher learning.
Here, research aims higher.
Service reaches higher.

A higher level of excellence calls for a higher commitment.
Interim Report on the Best Value Pilot Program

January 2010

Prepared by:

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UNIVERSITY OF CALIFORNIA

Interim Report on Best Value Pilot Program

I. Executive Summary

Chapter 367, Statutes of 2006, Senate Bill (SB) 667, was signed into law on September 20, 2006. It established a five-year Best Value Construction Pilot Program ("Pilot Program") for University of California, San Francisco ("UCSF"). The Pilot Program allows UCSF to assign a "qualification score" to each bid solicited under the program, which could, when divided into the bidder's price, impact determination of the lowest cost per quality point based upon five statutory factors. It does not change University selection or bidding in any other respect. As identified in the Legislative Record, "…to the extent the best value process results in a reduction in contract delays, change orders and claims, there will be a savings both in contract costs and administration."

Since January 1, 2007, UCSF awarded one hundred and seventy-two (172) construction contracts totaling $309.3 million, of which twenty-three (23) contracts totaling $158.3 million have been issued under the Pilot Program. Of these twenty-three contracts, twelve contracts, or 52%, were low bid contracts. In selecting projects for the Pilot Program a number of factors are considered such as project scope, complexity, schedule and cost. However a wide range of projects was selected for the program so that empirical data obtained would demonstrate the effectiveness of the approach. Criteria used to select projects included whether a contractor with unique skills and qualifications was needed, whether the performance of the contractor was critical in minimizing disruption to ongoing UCSF healthcare and whether the Pilot Program selection is attractive to available bidders.

The Prequalification Process set out minimum qualifications so that bidders could determine if the Pilot Program solicitation was appropriate for them by defining threshold qualifications. To date the University has received four written bid protests out of the twenty-three solicitations, a rate well below that experienced by UCSF during the same period from non-Pilot Program solicitations.

The four completed projects have demonstrated the effectiveness of the best value method of contractor selection. There were no claims, and except for owner requested changes to the scope or schedule, these projects were on budget and on time and had the required high quality. The two projects nearing completion, one of which has a value of $175 million, have also been successful in maintaining high quality, schedule and budget.

The University Representatives for all these projects have been unanimous in their praise of this process that has already demonstrated numerous advantages such as decreased bid protests and communication problems, decreased the need for multiple inspections and re-work, decreased disputes, change order requests, claims and litigation and increased incentives for contractors to perform their work safely and to adhere to high labor and quality standards.

Contractor outreach has included numerous formal and informal education sessions conducted by the University. Lessons learned to date include setting appropriate scoring criteria, appropriate
prequalification planning, targeted outreach and better communication. Industry support from the design and contracting communities have also been very positive.

The results, just three years into a five-year program, demonstrate that Pilot Project selection fosters better quality work, less labor and safety problems, better qualified persons/contractors, better on-time completion, and better on-budget performance. These are especially significant results given that UCSF is a medical/research institution and many of its projects are complex, technical, and time and budget critical.

II. Description of Projects, Contractors and Contracts Award Amounts

In selecting projects for this Pilot Program the University considers a number of factors since not every project/contract is appropriate for this program. These factors include project/contract scope, schedule, complexity and cost. The weighting of these factors and the specific issues addressed therein have been refined as experience has revealed the capacity of the process. Section IV provides details on the criteria used to select projects.
The UCSF Campus has awarded one hundred seventy-two (172) construction contracts since January 1, 2007. Of those, twenty-three (23) contracts totaling $158,300,000 have been issued under the Pilot Program. During the same period, UCSF awarded one hundred forty-nine (149) non-Pilot Program contracts, with a total dollar value of $309,300,300. Thus, the Pilot Program has accounted for approximately: (1) 34% of the contract values of UCSF’s entire Capital Program for the period 2007 – 2009; and (2) 13% of all UCSF construction contracts in number awarded during the same period. See Exhibit A attached hereto for a list of contracts awarded, contract award amounts, and contractors awarded best value contracts.

The Pilot Program has resulted in twelve low bid contracts out of the twenty-three or 52%. As Display 3 indicates on the following page, the Pilot Program has resulted in increased bids amounting to less than $12 million, or approximately 3% of the dollar value of contracts awarded in 2007-2009.
Display 2

UCSF Best Value Contracts versus Non Best Value Contracts

- 23 contracts (3%)
- 149 contracts (87%)

Best Value Contracts
Non Best Value Contracts

Display 3

Comparison of Low Numeric Bids versus Low Best Value Bids

- $12,075,947 (3%)
- $437,769,414 (97%)

Difference between Low Bid versus Best Value Low Bid
Best Value Low Bid
III. The Prequalification Process

Prequalification is not only required by statute for Pilot Program projects, it also represents a best practice. The University’s approach to prequalification for the Pilot Program is nearly identical to that used by UCSF for its non-best value projects:

- advertisements for Contractor Prequalification are published in the Daily Pacific Builders and the Small Business Exchange, once a week for two weeks;
- interested bidders request and receive prequalification documents from the University which address a variety of qualifications issues;
- bidders respond thereto and sign a declaration verifying that all information provided is true, accurate and complete;
- responses to the questions are either evaluated on a point basis or pass/fail, as indicated in the instructions
- bidders meeting the pre-determined point threshold are deemed prequalified and are invited to submit a bid (including Best Value Questionnaire [“BVQ”] and a sealed numerical dollar submission as part of its bid);
- those not meeting the prequalification threshold are notified of their status and are provided the reasons why they are not prequalified;
- bidders then have three calendar days from date of receipt of notice to appeal the decision to the Campus.

Additionally benefits accrue to the University and potential bidders under the Pilot Program. For instance:

- prequalification sets out the minimum qualifications so that bidders can determine if the Pilot Program solicitation is appropriate for them;
- prequalification prevents bidders from wasting valuable time and resources in completing a Best Value Questionnaire and submitting a bid only to find out they did not meet the threshold qualifications;
- prequalification generally requires a contractor to self-evaluate its capabilities before responding to a Pilot Program solicitation;

Thus, the University has tended to prequalify a greater percentage of contractors on Pilot Program solicitations than has resulted historically on non-Pilot Program solicitations. A copy of a recent template for Pilot Program prequalification and a copy of a prequalification evaluation document are attached as Exhibits B and C hereto.
IV. Criteria Used to Select Projects

Public Contract Code § 10506.4 et seq. does not prescribe which projects must employ Pilot Program selection. Accordingly, in order to determine those types of projects most befitting Pilot Program selection, the UCSF Campus embarked on an outreach effort in order to solicit a wide range of project values and types. A broad and varied population of projects could produce empirical data to demonstrate the effectiveness and appropriateness of the approach. To ensure that the Pilot Program achieves the stated goals of the legislation and complies with the letter and spirit of the law, the University evaluates each construction project on a case-by-case basis to determine whether Pilot Program selection is appropriate, considering such factors as:

- whether a contractor with unique skills and qualifications is needed to address issues important to the success of a given project;
- whether the performance of the contractor is critical to minimizing disruption to ongoing UCSF healthcare, research and instructional operations;
- whether the history and demonstrated capabilities of the contractor, subcontractor, or the contractor/subcontractor team is critical to implement a design or to meet a challenging schedule;
- whether using the Pilot Program selection process allows UCSF to align contractor capabilities with the risks inherent in individual projects;
- whether the Pilot Program advances the goal of delivering the best combination of cost, schedule and quality;
• whether the additional burden on bidders (such as the preparation of additional questionnaires and assembly and submission of fiscal data, safety records and detailed project delivery plans) outweigh the benefits of the Pilot Program;
• whether safety and labor compliance considerations warrant selection based upon stricter safety and labor requirements;
• whether Pilot Program selection is attractive to available bidders.

Aside from University logistics, the nature of Pilot Program selection includes significant burdens on the contractors at the time of bidding as well. Each bidder must fill out a detailed Best Value Questionnaire ("BVQ") with no guarantee as to selection. The process involves the assembly of financial data and safety performance records, and the submission of a detailed project delivery plan. As a result, the University has determined it should not be used for extremely small or relatively straightforward projects. Conversely, the University has noted that the Pilot Program process has been extremely well received and has attracted bids which are extremely well thought out and have an appropriately balanced focus on experience, quality, and price rather than the greatest opportunity for claims. The University has thus received attention and bids from entities, and individuals within entities, with skills and qualifications that make competing in a "low-bid" environment unattractive. Attached at Exhibit H are letters and comments from participants and would-be participants in the Pilot Program, including from contractors, subcontractors, design professionals and labor organizations.

The average period for a typical UCSF construction project from the planning stage to the start of construction is eighteen to twenty-four months. Larger projects and OSHPD projects can be significantly longer. Because of the above dynamics, each project is evaluated at each step of the planning phase, design
phase, and bidding phase to ensure that the invocation of the Pilot Program is not only appropriate, but also employed fairly and effectively. In response to industry demand, and as the program has matured, UCSF has successfully employed the Pilot Program for subcontractor selection. The University has also used the Pilot Program in contractor/subcontractor project team selection. This has allowed the University and contractors to choose both prime contractors and subcontractors which have the best balance of price, skill set, labor compliance and safety record, and experience (including individuals employed by the subcontractors), thus benefitting on time, on budget and relatively claims-free project delivery. This advantage is not available in non-Pilot Program selection.

![UCSF Medical Center at Mission Bay (rendering)
Estimated Substantial Completion 2013](image)

V. Criteria Used to Evaluate Bids

The Pilot Program was established to ensure quality, timely and economical construction and a fair selection process for bidders, for UCSF, and for the State of California. Pursuant to Public Contract Code § 10506.7, the University evaluates each bid received solely upon the five criteria set forth in the solicitation documents, and assigns a qualifications score to each bid, including: (a) financial condition; (b) relevant experience; (c) demonstrated management competency; (d) labor compliance; and (e) the safety record of the bidder. The contractor’s bid is then divided into the qualifications score to determine “best value.”

As such, even though a bidder may bid more than one bid package, or more than one project, each bid is evaluated separately and assigned a qualifications score, in accordance with the specific needs of that bid
package or project. For instance, a bidder may receive a higher qualifications score for a smaller scope of similar work based upon its qualifications, relevant experience, safety record, financial condition or demonstrated management capacity. Yet another bidder may receive a higher qualifications score for a larger scope of similar work based on those same variables. The criteria the University follows to evaluate bids, including the weighting of the criteria to date, is summarized at Exhibit D. A sample BVQ is attached as Exhibit E, and a sample Evaluation Form is attached as Exhibit F. The criteria and weighting have been effective.

For instance, on a number of University projects, heavy emphasis was placed on the demonstrated prior use of Building Information Modeling (“BIM”), which resulted in greater interest from firms that used BIM, and firms with little or no experience may have determined that the project was not appropriate for their skill set. Likewise, under the “Demonstrated Management Competencies” criterion, submission of past project schedules and work plans provide valuable insight into how the proposed project team will approach and manage the project at hand.

The ability of the University to use prequalification to select bidders with minimum qualifications and then to objectively score bidders on the five statutory criteria in order to select the bidder with the most appropriate balance of experience, record, capabilities and price is extremely important to the success of the program.

First, it assures a competitive environment and that each bidder has an incentive to provide its best price for the most appropriate program. Second, it provides an incentive for the bidders to choose a team (including individuals and subcontractors), and “or equal materials” it believes will provide the best value to the University, rather than merely focusing on lowest cost, without regard to appropriate experience, talent and quality. Third, it forces a bidder to strategically consider, prior to bid, how it will meet the budget and schedule without the incentive to “low ball” the project and make up the difference later through claims and delays.

This objective evaluation on a “relative” scale, rather than merely by the “pass-fail minimum qualifications” standard accomplished by prequalification (a tool already used by the University), is critical to the results obtained to date.

VI. Bid Protest Summary

Under the Pilot Program, formal written bid protests are allowed and operate exactly like bid protests in non-Pilot Program selection. An additional nuance pertaining to Pilot Program projects is that a protestor may also protest the qualifications scoring undertaken by the Committee, similar to a protestor’s ability to contest scoring on University design-build projects.

To date, no bidder, or third party for that matter, has protested any qualification score determined by the University’s Pilot Program Scoring Committees. Rather, the protests have addressed the same issues historically experienced by the University and other entities administering a competitive bidding process (i.e., failure to list subcontractors, non-responsiveness of the bidders, alternates, etc.).
The University has received four formal written protests (out of 23 solicitations) pertaining to any solicitation, bid or award under the Pilot Program. This rate of 6.5% is consistent with or better than the 9.3% rate of protests experienced by UCSF during the same period for non-Pilot Program solicitations.

Attached as Exhibit H is a description of all written protests concerning any aspect of a Pilot Program solicitation, bid, or award, including the resolution of the protests.
After a decision by the Campus Official on the bid protest, two of the protestors during the Pilot Program requested an appeal to the Chair of the University’s Construction Review Board. One of those two protests was fully resolved after informal hearing and decision by a Hearing Officer. The second protestors filed an appeal before the California Court of Appeals, after losing challenges before both a Hearing Officer and a California trial court. This appeal is currently under review.

VII. Assessments of Project Performance

While the Pilot Program is currently just thirty-six months old, the delivery period for many UCSF projects from planning to completion often exceeds that timeframe. As such, only four of the twenty-three Pilot Program projects have been completed to date. They also tend to be the smaller dollar value contracts, which are generally shorter in duration. The results to date of those four projects as well as a comparison of two projects nearing completion are described below. For comparative purposes, the University’s experience on two recent comparable non-Pilot Program projects is also described.

A. Completed Projects

1) Moffitt M3 MRI Installation

This $4.5 million CM@Risk project involved the installation of an MRI at Moffitt Hospital. Four contractors submitted prequalification documents. Three were deemed to be prequalified, and of these two

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1 CM@Risk contracting is a delivery method whereby a general contractor is selected to assist in value engineering and to provide pre-construction services in Phase I of the project. Subcontractors are later
contractors submitted bids. The project bid under the estimated budget, and the “best value” bidder was also the lowest bidder. There were no “claims” on the Project. There were, however, allowances granted and owner-requested elective HVAC work added to the contract. The construction schedule was extended by 116 days as a result of a University-requested delayed start and additional elective work. No additional cost was incurred by the University, or from the contractor, for the schedule extensions.

As indicated by the Project Manager: “The low bid does not always lead to high quality projects or good value. The Pilot Program resulted in selection of a quality contractor with a great performance ethic, at a competitive price. The University was very pleased with the quality of the contractor’s work, and with the fact that there were no contractor-caused claims, change orders or schedule impacts. It is evident the best value process resulted in personnel and a contractor more interested in quality of work and a common-sense approach to construction than on creating claims.”

Medical Sciences Building School of Medicine 5th Floor Lab Renovation

2) Medical Sciences Building School of Medicine 5th Floor Lab Renovation

This $1.8 million project concerned a new wet laboratory suite that included cell culture rooms, microscopy room, equipment room, break conference room and an administrative suite with two private offices. Ten bidders submitted prequalification documents. Seven were prequalified and all submitted bids. There were no contractor “claims.” Two change orders were issued for owner-requested extra work.
The contract schedule was extended for two reasons: (1) the fire alarm drawings were not completed on schedule; and (2) a fume hood delivery delay impacted the final inspections and air balancing. Neither of these delays was caused by the contractor and no delay claims were asserted by the contractor. As indicated by the Project Manager:

- the Project benefited by selection of the contractor who had the best balance of most relevant projects and best price, rather than a minimum level of relevant experience and lowest price;
- the majority of the subcontractors had worked on this type of project in the past;
- the selection facilitated easy communication flow, thereby reducing University project administration and client oversight expense;
- because of the expertise of the individuals provided, significant milestones were met by the contractor/subcontractors;
- the client and management team were very happy with the outcome and would request the use of the Pilot Program again on the right project;
- the Pilot Program resulted in increased interest by contractors uniquely qualified and experienced to perform work, and the ultimate selection of a uniquely qualified and motivated contractor;
- the Pilot Program allowed for selection of subcontractors with demonstrated competencies in overall work product and construction abilities, rather than lowest bid/minimum experience;
- in the Project Manager’s experience, the selection process resulted in fewer claims and cost/schedule overruns, and facilitated a process where contractors and subcontractors did not try to manipulate events to create or exacerbate claims.

3) Medical Sciences Building Laboratory Animal Resource Center ("LARC") – Animal Cage Washroom Renovation

![LARC Animal Cage Washroom Renovation](image)
This $2.7 million project consisted of the demolition and full renovation of the MSB-LARC Animal Cage Washroom and extensive utility upgrades. Eighteen bidders requested prequalification documents. Nine were prequalified and of these seven contractors submitted bids. The selected bidder submitted a bid for $170,000 less than the estimated construction cost, and was the low dollar numeric bid as well. There were no contractor claims. The contract schedule was extended by three weeks due to difficult working conditions, limited lay down space, and coordination with the University’s “owner-furnished-owner-installed” equipment. However, the contractor administered the project around the delay such that no monetary delay claims were necessary.

As indicated by the Project Manager, “The contractor provided all skill sets and deliverables promised in its best value proposal and performed its work timely and with great attention to detail, quality and project conditions. The communication was excellent. There was no need for rework or re-inspections and there were no non-owner-caused change orders.”

4) CT Scanner and Radiotherapy Simulator Replacement and Renovation

This $1.3 million project consisted of two small remodels for the Department of Radiation Oncology, in the Mount Zion Cancer Center, a non-OSHPD facility. Two bidders submitted prequalification documents; both were prequalified for the project and the low dollar numeric bidder was also the low best value bidder. The project bid under estimate and was completed on time and with no contractor “claims.” The small amount of changes was driven by user requests, and was accommodated within the original schedule.

According to the Project Manager, “Even though successful, this project illustrated that the Pilot Project selection process required a significant commitment from the bidders and the facility at the bidding stage. Small contracting firms are not necessarily set up to efficiently put together a BVQ response and it is not necessarily a good use of University resources to administer the Pilot Program selection procedures for low dollar/non-sophisticated projects. Rather, stringent prequalification prior to bid would have been sufficient to ensure the appropriate competency and experience of contractors.” As a result of these findings, the University has refined its processes/criteria as indicated in the “Lessons Learned – Refinement” section below.
B. Projects Nearing Completion and Comparisons

Cardiovascular Research Building – UCSF Mission Bay (rendering)  
Scheduled for Substantial Completion in August 2010

1) Cardiovascular Research Building

The $175 million Cardiovascular Research Building will be the first “major” highly complex project completed under the Pilot Program. It is 85% complete, using a CM@Risk Delivery Method and best value team selection for general contractor and MEP/exterier skin subcontractor teams. The project provides a research laboratory building for the Cardiovascular Research Institute, and includes an Outpatient Clinic for Cardiology. The as-planned contract duration was 1,057 days. Thus far (at 85% completion) the project team is currently tracking on schedule and there are no issues that are expected to change the current projected completion date. All major milestones thus far have been met without exception, and all changes have been absorbed with no impact to schedule. The project bid on target at $175 million. Change order requests have been fair and appropriate.

As indicated by the University Representative:

- three general contractor bidders were prequalified, and all three submitted bids;
- although the low bid numerically ended up being the low bidder, even after applying the Pilot Program criteria and dividing the bid by the qualifications score, the process required bidders to bring their “A” game and “A” team;
- the best and brightest from each firm were offered and substantive thought went into project logistics prior to bidding;
- the contractor arrived ready to perform and was fully prepared to address the logistical problems facing the site and schedule at the outset;
• the process allowed accelerated bidding of select subcontractor packages, which allowed for schedule and cost savings, despite high bid commodity and subcontractor prices;
• Pilot Program selection of subcontractors generated similar results as experienced with contractor selection (BIM experience, seasoned employees, logistical and strategic methods, and implementation);
• it is anticipated that as much as $5 million will be unused from the Project budget;
• project communications have been exemplary;
• the qualities and skills of individual project team members and the quality of construction and project management, measured in the Pilot Program selection process, has been borne out by the quality and timeliness of the work performed in the field, particularly for this highly complex building;
• thus far, there have been no issues that the campus has had to resolve through high-level negotiations, and none are anticipated as the project nears completion.

In contrast, a recently completed UCSF “major” project comparable in size and complexity to this project suffered from a lack of contractor/subcontractor coordination, significant rework and the need for chronic owner oversight. This resulted in schedule delays of 20%, and project cost overruns of 6%. It is believed that the use of Pilot Program selection (unavailable at the time) would have encouraged bidders on that prior project to: (1) bring their best and most cost/quality effective subcontractors and employees to their proposal; and (2) focus on the appropriate “low cost”/quality and schedule compliance strategies during bidding and construction. Instead, the drive to submit the ultimate lowest dollar bid in order to obtain the award likely contributed to schedule delays and claims.

2) **Moffitt 4th Floor Operating Room Expansion**

This $7 million project is 75% complete, using a Lump Sum Delivery Method and best value team selection for general contractor/MEP subcontractor teams. The project concerns two new operating rooms, support space and significant infrastructure upgrades. The as-planned contract duration is 475 days. Thus far (at 75% completion) the project team is currently ahead of schedule and there are no issues expected to change the early projected completion date. The first major milestone was 36 days ahead of schedule, despite multiple unforeseen conditions which were absorbed with no impact to schedule. The project also bid below the estimate.

Four bidders requested prequalification documents. All were prequalified, three submitted bids and the low monetary bidder was the “best value” bidder. Change order requests have been fair and appropriate to compensate the contractor for owner changes. It is anticipated that more than $1.5 million from the budget will be unused. Substantial completion is expected in early March, 2010. Project communications have been exemplary as the contractor, and mechanical, electrical and plumbing subcontractors were able to obtain better scoring via the experience and demonstrated management capacities of both the firms and the individuals. The quality of the work to date also appears excellent. Thus far, there have been no issues that the campus has been unable to resolve, no contractor-caused claims or delay, and none are anticipated as the project nears completion.
Moffit Operating Room Expansion

As indicated by the Project Manager: “By evaluating not only the general contractor but also the major subcontractors – mechanical, electrical, plumbing – all the bidders felt comfortable choosing subcontractors who provided the most balanced mix of price, record, quality and experience, rather than just seeking out the lowest numerical bid to remain competitive. The result was collaboration amongst the entire project team that has led to effective communication and problem solving on a very complicated project. The collaboration allowed us to remain ahead of the contract schedule and budget.”

In contrast, a very similar project delivered recently without benefit of the Pilot Program had very disparate results. The Project concerned the upgrade of operating rooms, support space and related code and infrastructure upgrades. A low-bid electrical subcontractor submitted unsubstantiated claims in excess of $1,000,000, and performed work causing delays to the project. Litigation was filed by that same subcontractor, requiring the general contractor to commence suit against the University. The matter eventually went to formal mediation, costing the Medical Center in excess of $100,000 in outside legal fees, and resulted in a nuisance value settlement of less than 15% of the claim.
Had the Pilot Program been in effect at the time, bidders could have been confident that inclusion in their bid assumptions of subcontractors and personnel with appropriate experience and talent, and a track record of safe on-time and on-budget delivery, would not result in an unsuccessful effort. Bidders could have used their considerable judgment to deliver the best combination of price, experience, safety and labor compliance record and quality to provide “best value” to the University.

VIII. Outreach Efforts

To date, the University has conducted numerous formal and informal educational sessions to familiarize the public with the Pilot Program. Another formal session is scheduled in March 2010. Furthermore, after each solicitation, the University welcomes feedback from all bidders and schedules “debriefing” sessions with all bidders upon request, whereby a bidder’s “qualification score” or any other element of the solicitation is discussed. A dialogue often ensues to allow a bidder to determine whether it can take steps to improve its score in the future, and to allow the University to further improve the Pilot Program.

IX. Lessons Learned/Refinements

The University has learned a great deal from the Pilot Program to date, which it has refined during its three-year tenure. Many of those lessons and refinements have been described earlier in this report. In addition, the following refinements have been instituted:

- setting of appropriate scoring factors/criteria;
- thoughtful and appropriate prequalification planning;
- better communications instituted regarding process;
- targeted outreach to qualified bidders;
- appropriate setting of prequalifications (not too high/too low); and
- setting a $2 million minimum for non-technical or non-sophisticated projects.

X. Industry Support of Best Value Program

The University’s Pilot Program has met with nearly unanimous praise from the design and contracting community. UCSF’s ability to pay attention to quality as well as price has attracted new contractors and subcontractors, and has made UCSF projects attractive to bidders not otherwise attracted to traditional “low-bid” work. For instance, on two recent projects, a questionnaire was sent to all bidders requesting whether Pilot Program selection played a role in their pursuit of the project and whether they were happy with the process. The responses (all of them positive and supportive of the program) are attached as Exhibit H. In addition, the University has received numerous letters in support of its Pilot Program. A sampling of comments is as follows:

…”We participated because we believe that an evaluation based on demonstrated management competency, financial conditions, labor compliance, qualifications, relevant experience and safety record as well as price will best serve the University in terms of quality work, scheduling and budget.”

…”
“Another important value is the owner’s ability to attract the most qualified contractors to the bidding table. As you know, contractors invest a significant cost into each project we decide to pursue. A decision must be made by each contractor prior to bidding whether or not they have a reasonable chance of being the successful bidder. If the bidding arena becomes filled with contractors that are not properly qualified, the truly qualified contractors tend to drop out. This is not because they are not “competitive.” It is because they understand that the under qualified contractors will not accurately assess the cost required to build safely and effectively in a hospital environment.”

"The University has been well served and the faculty, students and the general public can be assured that quality electrical work has been installed by craft proficient journeyman and apprentice electricians under the Best Value Program. Maintenance work performed by employees of the University is minimized by virtue of the fact that these jobs are done right the first time by responsible contractors and their employees." ....

Letters in support of the Pilot Program are also attached hereto at Exhibit H.

With continued appropriate debriefing and outreach training, it is the University’s expectation that the Pilot Program will continue its popularity amongst conscientious and qualified contractors and subcontractors in California, leading to projects completed on time, on budget, with great quality construction, excellent safety and labor compliance, and with fewer claims.

Contact information:
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Oakland, CA 94607-5200
Office website: http://budget.ucop.edu
Report website: http://budget.ucop.edu/legreports/200910/200910legreq.html
Appendix

Exhibit A: Detailed List of Contracts Awarded
Exhibit B: Sample Prequalification Documents
Exhibit C: Prequalification Evaluation Form
Exhibit D: Summary of Weighting of Criteria
Exhibit E: Sample Best Value Questionnaire
Exhibit F: Best Value Evaluation Form
Exhibit G: Bid Protest Summary
Exhibit H: Third Party Evaluations of Best Value Program
Exhibit A
<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Title</th>
<th>Bid Date</th>
<th>Contract Award Amount</th>
<th>Selected Contractor</th>
<th>Delivery Method</th>
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<td>7/10/07</td>
<td>Phase 1 - $584,000</td>
<td>Rudolph &amp; Sletten (also low monetary bidder)</td>
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<td>M4470</td>
<td>Mission Bay 17A/B CVRB Electrical <em>Construction of new laboratory building</em></td>
<td>12/17/07</td>
<td>Phase 1 - $1,278,000</td>
<td>Subcontractor: Rosendin Electric</td>
<td>Bid Package 1A to CM0017</td>
<td>0</td>
<td>11/23/10</td>
</tr>
<tr>
<td>M4470</td>
<td>Mission Bay 17A/B CVRB Exterior Skin <em>Construction of new laboratory building</em></td>
<td>12/21/07</td>
<td>Phase 1 - $279,400</td>
<td>Subcontractor: Walters and Wolf (also low monetary bidder)</td>
<td>Bid Package 1D to CM0017</td>
<td>0</td>
<td>11/23/10</td>
</tr>
<tr>
<td>07-355</td>
<td>Moffitt M3 MRI Installation <em>Installation of two MRIs</em></td>
<td>8/9/07</td>
<td>Phase 1 - $150,000</td>
<td>Cameron Builders (Also low monetary bidder)</td>
<td>CM at Risk</td>
<td>0</td>
<td>8/15/09</td>
</tr>
<tr>
<td>07-398</td>
<td>Mount Zion CC HB006 CT Scanner Repl. &amp; Renovation</td>
<td>11/27/07</td>
<td>$374,720</td>
<td>Cameron Builders (Also low monetary bidder)</td>
<td>Lump Sum</td>
<td>0</td>
<td>3/20/09</td>
</tr>
<tr>
<td>07-399</td>
<td>Mount Zion CC HB002 Radiotherapy Simulator Replacement &amp; Renovation <em>Replace existing CT Scan, replace Simulator and update space</em></td>
<td>Bid with 07-398 as one contract</td>
<td>$363,052</td>
<td>Cameron Builders (Also low monetary bidder)</td>
<td>Lump Sum</td>
<td>0</td>
<td>3/20/09</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay <em>Construction of new hospital, outpatient facility, energy center, and parking facilities</em></td>
<td>7/14/08</td>
<td>Phase 1 - $12,000,000</td>
<td>DPR construction, Inc. (Also low monetary bidder)</td>
<td>CM at Risk Cost Plus Fixed Fee</td>
<td>0</td>
<td>1/1/15</td>
</tr>
</tbody>
</table>

UCSF/CPFM/JL

1 Does not include amounts added by amendment for incorporation of subcontractor bid packages on CM at Risk Contracts.

2 Not related to Best Value scoring process
<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Title</th>
<th>Bid Date</th>
<th>Contract Award Amount¹</th>
<th>Selected Contractor</th>
<th>Delivery Method</th>
<th>Written Protests</th>
<th>Project Completion/Anticipated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay Bid Package (Alt 1-2 Combined) – Energy Center and Outpatient Building-Design Assist Plumbing/Med-Gas, HVAC Dry &amp; Wet</td>
<td>11/5/08</td>
<td>Phase 1 - $3,487,510</td>
<td>Subcontractor: Southland Industries</td>
<td>Bid Package to CM0002</td>
<td>1⁺</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay Bid Package 3 - Hospital Plumbing/Med-Gas</td>
<td>11/5/08</td>
<td>Phase 1 - $3,300,000</td>
<td>Subcontractor: Broadway Mechanical</td>
<td>Bid Package to CM0002</td>
<td>0</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay Bid Package (Alt 4-5 Combined)- Hospital HVAC Dry and Wet</td>
<td>11/5/08</td>
<td>Phase 1 - $3,054,000</td>
<td>Subcontractor: ACCO Engineered Systems</td>
<td>Bid Package to CM0002</td>
<td>0</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay Bid Packages –All Facilities- Electrical</td>
<td>11/5/08</td>
<td>Phase 1 - Rosendin $3,185,000</td>
<td>Rosendin Electric for Hospital &amp; Energy Center. Redwood City Electric for OPB &amp; Site Electrical</td>
<td>Bid Package to CM0002</td>
<td>0</td>
<td>1/1/15</td>
</tr>
<tr>
<td>06-330</td>
<td>Moffitt/Long Ground Floor Pharmacy  Fully renovate existing inpatient pharmacy; Contract terminated for convenience</td>
<td>8/27/08</td>
<td>$300,000</td>
<td>Pankow- Preconstruction Services (Also low monetary bidder)</td>
<td>CM at Risk</td>
<td>0</td>
<td>Contract terminated for convenience</td>
</tr>
<tr>
<td>08-416</td>
<td>Mount Zion OR Expansion Project B3 and B4 Update 2 OR Suites and add 1, implement all SB1953 requirements in OR area</td>
<td>10/30/08</td>
<td>$6,981,192</td>
<td>TCB Builder’s</td>
<td>Lump Sum L00098</td>
<td>0</td>
<td>5/20/10</td>
</tr>
<tr>
<td>M7401</td>
<td>HSE 15th S/D CRANIOFACIAL &amp; MESENCHYMAL BIOLOGY PROGRAM LAB RENOVATION Renovation of dentistry laboratory</td>
<td>1/16/09</td>
<td>$4,865,800</td>
<td>Herrero Contractors, Inc.</td>
<td>Lump Sum L00394</td>
<td>0</td>
<td>5/2/10</td>
</tr>
</tbody>
</table>

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²Not related to Best Value scoring process
<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Title</th>
<th>Bid Date</th>
<th>Contract Award Amount</th>
<th>Selected Contractor</th>
<th>Delivery Method</th>
<th>Written Protests</th>
<th>Project Completion/Anticipated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>M6464</td>
<td>MSB 5TH FLOOR S/M LAB MED RENOVATION Renovation of laboratory</td>
<td>2/18/09</td>
<td>$1,017,611</td>
<td>PSP Construction</td>
<td>Lump Sum</td>
<td>0</td>
<td>9/26/09</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay - Bid Package 8 – Design Build Elevators</td>
<td>4/14/09 Phase 1</td>
<td>$180,000</td>
<td>Subcontractor: Otis (Also low monetary bidder)</td>
<td>Bid Package to CM0002</td>
<td>1</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay - Bid Package 9 – Design Build Fire Protection</td>
<td>3/23/09 Phase 1</td>
<td>$1,521,530</td>
<td>Subcontractor: Cosco</td>
<td>Bid Package to CM0002</td>
<td>0</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay - Bid Package 12 - Design Build Fire Alarm</td>
<td>6/4/09 Phase 1</td>
<td>$287,088</td>
<td>Subcontractor: Honeywell International, Inc (Also low monetary bidder)</td>
<td>Bid Package to CM0002</td>
<td>0</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay - Bid Package 13 - Design Build Pneumatic Tubes</td>
<td>5/13/09 Phase 1</td>
<td>$134,200</td>
<td>Subcontractor: Advanced Pneumatic Tubes, Inc. (Also low monetary bidder)</td>
<td>Bid Package to CM0002</td>
<td>1</td>
<td>1/1/15</td>
</tr>
<tr>
<td>05-307</td>
<td>UCSF Medical Center at Mission Bay Bid Package 14 - Design Assist Structural Steel Modeling &amp; Fabrication Detailing</td>
<td>8/4/09 Phase 1</td>
<td>$1,168,535</td>
<td>Subcontractor: Schuff (Also low monetary bidder)</td>
<td>Bid Package to CM0002</td>
<td>1</td>
<td>1/1/15</td>
</tr>
<tr>
<td>08-403</td>
<td>Ambulatory Care Center (ACC) 7th Floor Kidney Transplant Unit Renovation Renovate physician, staff and outpatient clinical areas for Transplant Program</td>
<td>7/14/09</td>
<td>$3,896,974</td>
<td>Dome Construction</td>
<td>Lump Sum</td>
<td>0</td>
<td>4/18/10</td>
</tr>
<tr>
<td>M7438</td>
<td>Medical Sciences Building LARC Animal Cage Washroom Rehabilitation Renovation of LARC Animal Cage Washroom</td>
<td>5/6/09</td>
<td>$1,297,000</td>
<td>Swinerton Interiors</td>
<td>Lump Sum</td>
<td>0</td>
<td>11/27/09</td>
</tr>
</tbody>
</table>

UCSF/CPFМ/JL

1Does not include amounts added by amendment for incorporation of subcontractor bid packages on CM at Risk Contracts.

2Not related to Best Value scoring process.
Exhibit B
EXHIBIT B

Project No.:

PREQUALIFICATION DOCUMENTS

FOR

{Project Title}

{Date}

PAGES

Cover Page to Prequalification Documents 1
Advertisement for Contractor Prequalification 2
Bid Procedures and Schedule 1
Prequalification Questionnaire 1-13
ADVERTISEMENT FOR CONTRACTOR PREQUALIFICATION

Subject to conditions prescribed by the University of California, San Francisco (University), responses to the University’s prequalification documents for a LUMP SUM (Best Value) contract are sought from bidders for the following:

{PROJECT TITLE}
Project No.: {}

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

PREQUALIFICATION OF PROSPECTIVE BIDDERS:
The University has determined that bidders who submit bids on this project must be prequalified. Prequalified bidders will be required to have the following California Contractor’s license classification:

B - GENERAL BUILDING

GENERAL DESCRIPTION OF WORK:
{INSERT DESCRIPTION}
Estimated construction cost is in the range of ${ }

PREQUALIFICATION SCHEDULE:
Prequalification Documents will be available beginning {DATE} at 10AM by requesting via e-mail to prequal@ucsf.edu with the following information: Company name, address, phone and fax nos. Please reference Project No. { } in the subject line.

Sealed questionnaires are to be received on {DATE} at 3 PM at the office of UCSF, Capital Programs & Facilities Management, University of California, San Francisco, 654 Minnesota Street, 2nd Floor, San Francisco, CA  94143. Phone: (415) 476-5343

If the prospective Contractor is determined by the University not to be prequalified, the prospective Contractor 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 Contractor 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. However, the University reserves the right to accept late submissions and to request, receive, and evaluate supplemental information after the above time and date at its sole determination.

The dates, times, and location will be set forth in an “Announcement To Prequalified Bidders and Advertisement for Bids”.

The University reserves the right to reject any or all responses to Prequalification Questionnaires and to waive non-material irregularities in any response received.

The lowest responsible bidder will be selected on the basis of the Best Value to the University. The Best Value to the University will be determined using objective criteria described in the Bidding Documents with the resulting selection representing the best combination of price and qualifications.
Information submitted by the bidder shall not be open to public inspection to the extent that information is exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of the Title of the Government Code).

For additional information, view the following website: http://www.cpfm.ucsf.edu/contracts/ads_prequal.cfm

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
University of California, San Francisco
{DATE}
**BID PROCEDURES**
When the Bidding Documents become available, lump sum bids submitted directly to the University will be received ONLY from prequalified Contractors. Only bidders who have been prequalified by the University shall be invited to participate in a Best Value bid for this project.

Prequalified Contractors will be issued a complete set of bidding documents upon payment of a nonrefundable fee. Lump sum bid proposals from prequalified Contractors will be evaluated based on the lowest responsible bid. Prospective bidders desiring to be prequalified are informed that they will be subject to and must fully comply with all the bid conditions including 100% Payment and 100% Performance Bond.

**PREQUALIFICATION SCHEDULE**

<table>
<thead>
<tr>
<th>{DATE}</th>
<th>Prequalification documents available to Bidders</th>
</tr>
</thead>
<tbody>
<tr>
<td>{DATE}</td>
<td>Submittal of completed Prequalification Questionnaire and required attachments.</td>
</tr>
<tr>
<td>{DATE}</td>
<td>Bidders will be notified by letter whether or not they are prequalified.</td>
</tr>
</tbody>
</table>

**PROPOSED BIDDING SCHEDULE**
The following dates are approximate. Exact dates, times, and location will be set forth in an “Announcement to Prequalified Bidders and Advertisement for Bids”.

<table>
<thead>
<tr>
<th>{DATE}</th>
<th>Bidding Documents available to prequalified Bidders.</th>
</tr>
</thead>
<tbody>
<tr>
<td>{DATE}</td>
<td>Submittal of sealed bids from prequalified Bidders.</td>
</tr>
</tbody>
</table>
PREQUALIFICATION QUESTIONNAIRE

FOR

PROJECT TITLE: { } { }

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

SUBMITTED BY:

________________________________________________________________________
(Firm Name)

________________________________________________________________________
(Contact Person)

________________________________________________________________________
(Address)

________________________________________________________________________
(City, State, Zip Code)

________________________________________________________________________
(Telephone Number)

________________________________________________________________________
(Fax Number)

________________________________________________________________________
(Email Address of Contact Person)

Each prospective bidder must have a California Contractor’s License, which is current, active and in good standing with the California Contractor’s State License Board, on the date and time of the Prequalification Questionnaire submittal is due and must submit this Prequalification Questionnaire with all portions completed, including required attachments.
Each prospective Contractor must answer all of the following questions and provide all requested information, where applicable. Any prospective Contractor failing to do so may be deemed to be not responsive and not prequalified with respect to this Prequalification. All Contractors that have submitted a Prequalification Questionnaire will be notified in writing of whether or not they have successfully achieved Prequalification status. Prospective contractors that affirmatively respond (i.e. answer YES) to all questions requiring a “yes” or “no”, submit all required information and supporting data, receive a point score above a pre-established rating system, AND are determined to have accurately responded to the questions will be prequalified. Only those Contractors that have been determined to be prequalified will be eligible to submit a bid for this Project.

If the prospective Contractor is determined by the University not to be prequalified, the prospective Contractor 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 Contractor 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.

Information submitted by the bidder shall not be open to public inspection to the extent that information is exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of the Title of the Government Code).

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

1. **PREQUALIFICATION DECLARATION**

I, ____________________________, hereby declare that I am the (Printed Name)

_________________________ of ____________________________

>Title) (Name of Firm)

(Circle one: Sole Proprietor, Partnership, or Corporation)

submitting this Prequalification Questionnaire; that I am duly authorized to sign this Prequalification Questionnaire on behalf of the above named firm; 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, California, on __________________.

(Date)

__________________________

(Signature)

If the above is signed by other than the sole proprietor, a general partner or corporate officer, attach original notarized power of attorney or corporate resolution.

**NOTE:** Failure to return a properly completed Declaration will result in the Contractor being determined to be not prequalified.

2. **LICENSE AND BUSINESS INFORMATION**
A. Does your firm, including any partner if a Joint Venture, hold a State of California contractor’s license classification:

**B - GENERAL BUILDING**

which are current, valid, and in good standing with the California Contractor’s State License Board for the work you propose bidding?

YES ☐ NO ☐

If YES, provide the following information about your firm’s contractor’s licenses:

1. Name of license holder exactly as on file with the California Contractor’s State License Board: __________________________
2. License Classification and Code: __________________________
3. License Number: __________________________
4. Date Issued: __________________________
5. Expiration Date: __________________________

B. Can you truthfully state that your firm’s contractor’s license under your classification has never been suspended or revoked by the California Contractor’s State License Board within the last ten (10) years?

YES ☐ NO ☐

If the answer is no, please explain: __________________________

C. Can you truthfully state that your firm has not had a complaint filed with the Contractor’s State License Board against your company that required a formal hearing or inquiry within the last ten (10) years?

YES ☐ NO ☐

If the answer is no, please explain: __________________________

**NOTE:** Failure to answer “Yes” to questions 2A, 2B, and 2C or give an acceptable explanation to 2B and 2C will result in the Contractor being determined to be not prequalified.
3. **DISCIPLINARY MEASURES/TERMINATION HISTORY**

A. Can you truthfully state that your firm has not been disqualified, debarred, removed or otherwise prevented from bidding on, or completing any public agency (e.g., federal, state, county, city, University of California System, California State University System, etc.) projects within the last ten (10) years?

   YES ☐  NO ☐

   If the answer is no, please explain: ________________________________

B. Can you truthfully state that your firm has not been terminated for cause on any public works projects within the last ten (10) years?

   YES ☐  NO ☐

   If the answer is no, please explain: ________________________________

**NOTE:** Failure to answer “Yes” to questions 3A and 3B or give an acceptable explanation to 3A and 3B will result in Contractor being determined to be not prequalified.
4. FALSE CLAIMS/CLAIMS HISTORY/CHANGE ORDER HISTORY

A. Can you truthfully state that your firm 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, etc.) within the last ten (10) years?

   YES ☐    NO ☐

B. Identify any decisions/findings/determinations which have been rescinded, settled or are on appeal wherein your firm has been found to have submitted a false claim to a public agency (e.g. federal, state, county, city, University of California System, California State University System, etc) within the past ten (10) years. For each item, describe the circumstances surrounding such decisions/findings/determinations. If none, note “none”.

C. Has your firm in the past three (3) years ever failed to honor a claim by a public entity to remedy an alleged warranty item or an alleged defective workmanship item during the contract warranty period? If so, describe in detail the circumstances surrounding each such claims and resolution or lack thereof.

D. For the past 3 years, have you ever refused to perform Change Order work requested by the University? This does not include failing to agreed upon price or schedule terms.

   YES ☐    NO ☐

NOTE: Failure to answer “Yes” to 4A and 4D or give an acceptable explanation to 4B or 4C will result in Contractor being determined to be not prequalified.
5. **CONSTRUCTION EXPERIENCE**

A. Submit **three (3)** projects; each project meeting the following requirements:

   **[Complete for your project; below is an example]**
   
i. Projects completed of similar scope and values as described under the General Description of Work on page 2.
   
ii. Project cost is $700,000 or greater at time of completion.
   
iii. Completed in the past 6 years.

Complete **PROJECT DATA SHEET** for each project.

B. Use the **Project Data Sheet**, Pages 6-7. Photocopy additional forms as required or duplicate information in a computer-generated format, if desired. Provide all of the information requested in the Project Data Sheet. Bidder must list accurate names and telephone numbers of applicable contact persons (Owner & Design Professional) for reference checks. If University is unable, after reasonable efforts, to confirm the past project information submitted by bidder, said project will not be accepted as a qualifying project.

C. Listed projects must have been managed and constructed under the business name submitting for prequalification. Projects completed by employees for former employers are not applicable.

D. Once the above requirements under 5A are met, there will be points given on the projects submitted for items below. It should be noted that the established point rating system heavily favors prospective bidders submitting projects with construction experience similar to the proposed project especially in size and cost. Points will be allocated to submitted projects based on the prospective bidders’ demonstrated ability to complete projects within pre-defined project fiscal and timetable parameters. Other project assessment items include but are not limited to the following:

1. Project following UC Policies and Procedures.
2. Project following California Building Codes.
3. Project involved with State Fire Marshal approval processes.
4. Project in a congested site with limited access to project site.
5. Project performed while the existing facility continued in operation.
6. Projects requiring complex critical path scheduling, anticipation of lead-time for materials, fabrication, shop drawings and approvals.
7. Project execution of completing projects within pre-defined project fiscal and timetable parameters, and construction administration.
8. Project requiring shutdown and relocation of existing utilities while minimizing disruption to occupied space.
9. Mitigation measures (noise, dust and fumes) implemented on submitted projects.
10. Reference checks from Owner and/or Design Professional on execution of projects submitted.

**NOTE:** Failure of the Contractor to submit projects demonstrating evidence of performance as itemized under 5.A above will result in the Contractor being determined to be not prequalified. **If there are more than 3 projects submitted, the University will only evaluate the first 3 attached to the Prequalification Questionnaire.**

Also, Point Accumulation for Item D.
NAME OF CONTRACTOR: ________________________________

PROJECT DATA SHEET
(One Form Per Project)

1. Project Name: _______________________________________

2. Project Location: _____________________________________

3. Owner’s Name: ______________________________________
   Address: _____________________________________________
   Phone: _______________________________________________
   Contact Person: _______________________________________

4. Design Professional: _________________________________
   Phone: _______________________________________________
   Contact: _____________________________________________

5. Name of Contractor’s Superintendent: __________________

6. What type of building was work performed on (e.g. medical, office, research building)?
   _____________________________________________________

7. Did the project involve installation of animal cage washing equipment or similar equipment?
   (Delete question if not applicable) YES □ NO □

8. Type of floors installed: _______________________________

9. Type of wall paneling system installed: ___________________

10. Was Project completed on time, including time extensions? YES □ NO □
    A. Start Date: __________________
    B. Actual Completion Date: __________________

11. Was Project Completed within budget? YES □ NO □
    A. Project Cost at Bid $ ______
    B. Project Cost at Completion $ ______

12. Was plan approval required for project under California Building Codes? YES □ NO □

13. Were California State Fire Marshal inspection, review and approvals required? YES □ NO □

NAME OF CONTRACTOR: ________________________________
PROJECT DATA SHEET (continued)

Project Name: ____________________________________________________________

14. Was access to the Project Site restricted or limited and in congested location?  YES ☐ NO ☐

15. Was this project performed while the existing facility continued in operation? YES ☐ NO ☐

16. Did the project include adherence to critical path scheduling? YES ☐ NO ☐

17. Did project require shutdown and relocation of existing facilities while minimizing disruption to occupied space? YES ☐ NO ☐

18. What mitigation measures (noise, dust, and fumes) were implemented on this project? ________________________________________________________________

                                                                                       ________________________________________________________________
                                                                                       ________________________________________________________________
                                                                                       ________________________________________________________________

19. Briefly describe project scheduling method. How was project schedule developed, updated and tracked?
                                                                                       ________________________________________________________________
                                                                                       ________________________________________________________________
                                                                                       ________________________________________________________________

20. Describe, briefly, the scope of project: ________________________________________________________________
                                                                                       ________________________________________________________________
                                                                                       ________________________________________________________________
6. **SURETY**

(SURETY COMPANIES USED BY BIDDER SHALL BE AN ADMITTED SURETY INSURER AS DEFINED IN THE CALIFORNIA CODE OF CIVIL PROCEDURES SECTION 995.120.

A. Is your firm able to obtain bonding up to and including { dollar amount } this contract?

   [ ] YES   [ ] NO

B. If yes to 6A, provide a declaration **from the Surety Company**, named in 6D, stating the amount of bonding capacity available to your firm for this construction contract, signed by an authorized representative of the surety proposed to be used for this project. **Either** provide a notarized declaration or **include** the following in the last paragraph of the declaration:

   “The undersigned declares under penalty of perjury that the above statement(s) submitted is true and correct and that this declaration was executed in __________ County, California, on ________________.”

   [ ] YES   [ ] NO

D. Provide the name, address, and telephone number of the surety (not the Bonding/Broker agent) to be used on this construction contract:

   Company Name: ________________________________

   Address: ________________________________

   City/State/Zip Code: ________________________________

   Phone Number: ________________________________

   **NOTE:** Failure of the Contractor to demonstrate (item 6A above) the ability to obtain necessary bonding capacity or failure to answer "YES" to question 6C will result in the Contractor being determined to be not prequalified.

   Also, Point accumulation for item 6C.
7. INSURANCE

A. Is your firm able to obtain the following insurance in the limits stated?

YES ☐ NO ☐

General Liability Limits of Liability:

<table>
<thead>
<tr>
<th>Limits of Liability</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bodily Injury &amp; Property Damage-Each Occurrence -</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Combined Single Limit</td>
<td></td>
</tr>
<tr>
<td>2. Products - Completed Operations Aggregate</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>3. Personal and Advertising Injury</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>4. General Aggregate</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>5. Business Automobile Liability Insurance</td>
<td></td>
</tr>
<tr>
<td>Limits of Liability:</td>
<td></td>
</tr>
<tr>
<td>Each Accident - Combined Single Limit for Bodily Injury</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>and Property Damage</td>
<td></td>
</tr>
</tbody>
</table>

B. Are the insurers listed below to be used for all required insurance (except Workers Compensation & Employers’ Liability) listed by Best with a rating of A- or better, and a financial classification of VIII or better (or an equivalent rating by Standard & Poor or Moody’s)?

YES ☐ NO ☐

For General Liability:
Company Name: ________________________________
Indicate Best Rating: ________________
Indicate Best Financial Classification: _______

For Auto Liability:
Company Name: ________________________________
Indicate Best Rating: ________________
Indicate Best Financial Classification: _______

For Excess Liability:
Company Name: ________________________________
Indicate Best Rating: ________________
Indicate Best Financial Classification: _______

For Worker’s Compensation & Employers’ Liability:
Company Name: ________________________________
Indicate Best Rating: ________________
Indicate Best Financial Classification: _______
C. Provide a declaration from the Insurance Company, stating that your firm is able to obtain insurance or have insurance in the limits stated above for this construction contract from the Insurance Company or from the broker/agent. Either provide a notarized declaration or include the following in the last paragraph of the declaration:

“The undersigned declares under penalty of perjury that the above statement(s) submitted is true and correct and that this declaration was executed in ______________ County, California, on (date).

(DO NOT SIGN HERE)

(Name and Title, printed or typed)

""

(Signature)

NOTE: Failure of the Contractor to demonstrate (item 7C) the ability to obtain necessary limits of insurance will result in the Contractor being determined to be not prequalified.

Also: Point Accumulation for Items 7A and 7B.

8. SAFETY RECORD

A. Have you had accidents, which resulted in a construction fatality, on any of your projects within the last five (5) years?

YES ☐      NO ☐

If yes, provide additional information. ________________________________

B. 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 last five (5) years?

YES ☐      NO ☐

If yes, provide additional information.

________________________________________________________

________________________________________________________
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.

C. Attach EMR verification from State of California or from insurance company for each year listed below.

   **EMR Rating:**
   - Current year: _____________
   - Previous year: _____________
   - Year prior to previous year: _____________

   **Note:** Point Accumulation for Items 8A, 8B, and 8C.

9. **LABOR COMPLIANCE**

   A. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom Bidder intends to request the dispatch of apprentices to Bidder for use on the Project.

   Name: ____________________________________________
   Address: ____________________________________________
   Telephone Number: ________________________________

   If Bidder operates its own State-approved apprenticeship program, state the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of Bidder’s apprenticeship program(s).

   B. At any time during the last five (5) years, has Bidder been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

   □ Yes □ No

   If yes, provide the date(s) of such findings, and attach copies of the Department’s final decision(s).
C. During the last five (5) years, was Bidder required to pay either back wages or penalties for Bidder’s failure to comply with the State's prevailing wage laws?

☐ Yes ☐ No.

If "yes," identify the violation by providing the project name, date of the violation, name of the entity (or entities), a brief description of the nature of the violation, and a brief description of the status of the violation (pending, or if resolved, a brief description of the resolution).

D. During the construction of the project, Bidder will agree to the following requirements:
   • minimum of 60% of all journeymen wiremen will be graduates of an apprenticeship program approved by the California Apprenticeship Council;
   • Minimum of 20% of jobsite electrical workers are OSHA 10-hour General Industry Safety & Health certified;
   • At least one jobsite electrical worker is OSHA 30-hour General Industry Safety and Health certified.

☐ Yes ☐ No

Note: Point Accumulation for Items 9A through 9D
Exhibit C
EXHIBIT C

PREQUALIFICATION EVALUATION FORM
For General Building Contractors

Contractor’s Name: ____________________________

Total Score: ____________________________ Results: YES OR NO

Maximum Points Allowable: ___ Prequalified
Minimum Score Required to Prequalify: ___ Not Prequalified*

Total Score for Contractor: _____

Evaluator: ____________________________ (Signature)

____________________________ (Printed Name)

____________________________ (Affiliation)

Evaluator: ____________________________ (Signature)

____________________________ (Printed Name)

____________________________ (Affiliation)

Evaluator: ____________________________ (Signature)

____________________________ (Printed Name)

____________________________ (Affiliation)

*IF NO, REASON FOR NOT BEING PREQUALIFIED:

________________________________________________________________________

________________________________________________________________________
1. **Prequalification Declaration**

<table>
<thead>
<tr>
<th>A. Declaration (completed, signed and notarized, if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No</td>
</tr>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>Maximum points allowable: 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. If signed other than sole proprietor, a general partner or a corporate officer, original notarized Power of Attorney or Corporate Resolution is attached.</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>□ No</td>
</tr>
<tr>
<td>□ Not applicable</td>
</tr>
<tr>
<td>Maximum points allowable: 0</td>
</tr>
</tbody>
</table>

**SUBTOTAL for Preq Declaration Category**: 0

2. **California Contractor's License/Information**

<table>
<thead>
<tr>
<th>A. Does Contractor have a Class B license in good standing with the State License Board?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No</td>
</tr>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>Maximum points allowable: 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Contractor can truthfully state its license has never been suspended or revoked by the Board within the past 10 years?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>□ No</td>
</tr>
<tr>
<td>Maximum points allowable: 0</td>
</tr>
</tbody>
</table>

**SUBTOTAL for License/Information Category**: 0
### 3. Disciplinary Measures/Termination History

<table>
<thead>
<tr>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**A.** Contractor can truthfully state firm has not been disqualified or barred from doing business with a public agency within past 10 years (including decisions/findings/determinations which have been revoked, settled or are on appeal)?

- [ ] Yes
- [ ] No, with valid explanation
- [ ] No

Maximum points allowable: 0

**B.** Contractor can truthfully state firm has not been terminated for cause on any public works projects within past 10 years?

- [ ] Yes
- [ ] No, with valid explanation
- [ ] No

Maximum points allowable: 0

**SUBTOTAL for Disciplinary Measures/Termination History**

0

### 4. False Claims/Claims History/Change Order History

<table>
<thead>
<tr>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**A.** Contractor can truthfully state firm has not been found in a final decision of a court to have submitted a false claim to a public agency within past 10 years?

- [ ] Yes
- [ ] No

Maximum points allowable: 0

**B.** Identify any decisions/findings/determinations which have been rescinded, settled or are on appeal wherein your firm has been found to have submitted a false claim to a public agency (e.g. federal, state, county, city, University of California System, California State University System, etc) within the past ten (10) years. For each item, describe the circumstances surrounding such decisions/findings/determinations. If none, note “none”.

- [ ] None
- [ ] with valid explanation
- [ ] explanation not acceptable

Maximum points allowable: 0
C. Has your firm in the past three (3) years ever failed to honor a claim by a public entity to remedy an alleged warranty item or an alleged defective workmanship item during the contract warranty period? If so, describe in detail the circumstances surrounding each such claims and resolution or lack thereof.

- None
- with valid explanation
- explanation not acceptable

D. For the past 3 years, have you ever refused to perform Change Order work requested by the University? This does not include failing to agreed upon price or schedule terms.

- Yes
- No

Maximum points allowable: 0

| SUBTOTAL for False Claims/Claims History | 0 |
| NPQ | 0 |
5. **Construction Experience**

<table>
<thead>
<tr>
<th>Project #1:</th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects completed of similar scope and values?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Cost at time of Completion:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>${} \text{ or greater at time of completion?} \text{ ☐ No ☐ Yes}$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed on:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completed in past {} years ( )?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No, requirements not met</td>
<td></td>
<td>NPQ 0</td>
</tr>
<tr>
<td>☐ Yes, requirements met</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum points allowable: 0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project #2:</th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects completed of similar scope and values?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Cost at time of Completion:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>${} \text{ or greater at time of completion?} \text{ ☐ No ☐ Yes}$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed on:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completed in past {} years ( )?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No, requirements not met</td>
<td></td>
<td>NPQ 0</td>
</tr>
<tr>
<td>☐ Yes, requirements met</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project #3:</th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects completed of similar scope and values?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Cost at time of Completion:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>${} \text{ or greater at time of completion?} \text{ ☐ No ☐ Yes}$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed on:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completed in past {} years ( )?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No ☐ Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No, requirements not met</td>
<td></td>
<td>NPQ 0</td>
</tr>
<tr>
<td>☐ Yes, requirements met</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Experience (continued)</td>
<td>Actual Points Rec’d</td>
<td># of Points Avail</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>D. Project #1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Was plan approval required for project under California Building Codes?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>ii. Were California State Fire Marshal inspection, plan, approvals and field inspection required?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Was access to the Project site restricted or limited and in congested location?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. Was this project performed while the existing facility continued in operation?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>v. Did project require shutdown and relocation of existing facilities while minimizing disruption to occupied space?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>vi. Did this project include mitigation measures?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>vii. Did this project include adherence to critical path scheduling?</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>[ ] Yes</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>[ ] No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
viii. Construction experience similar to the proposed project-completion record, budget, scheduling, labor force, project administration, and contract administration.

<table>
<thead>
<tr>
<th>Exceeds Requirements</th>
<th>9-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfies Requirements</td>
<td>7-8</td>
</tr>
<tr>
<td>Average</td>
<td>5-6</td>
</tr>
<tr>
<td>Barely satisfies requirements</td>
<td>3-4</td>
</tr>
<tr>
<td>Poor</td>
<td>1-2</td>
</tr>
</tbody>
</table>

Maximum points allowable: 17

**Notes on Reference checks:**
Contact person #1: ____________________________
Comments: __________________________________
__________________________________________
__________________________________________
__________________________________________

Contact person #2: ____________________________
Comments: __________________________________
__________________________________________
__________________________________________
__________________________________________
### Construction Experience (continued)

<table>
<thead>
<tr>
<th>E. Project #2</th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Was plan approval required for project under California Building Codes?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>ii. Were California State Fire Marshal inspection, plan, approvals and field inspection required?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>iii. Was access to the Project site restricted or limited and in congested location?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>iv. Was this project performed while the existing facility continued in operation?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>v. Did project require shutdown and relocation of existing facilities while minimizing disruption to occupied space?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>vi. Did this project include mitigation measures?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td>vii. Did this project include adherence to critical path scheduling?</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
</tbody>
</table>
viii. Construction experience similar to the proposed project-completion record, budget, scheduling, labor force, project administration, and contract administration.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeds Requirements</td>
<td>9-10</td>
</tr>
<tr>
<td>Satisfies Requirements</td>
<td>7-8</td>
</tr>
<tr>
<td>Average</td>
<td>5-6</td>
</tr>
<tr>
<td>Barely satisfies requirements</td>
<td>3-4</td>
</tr>
<tr>
<td>Poor</td>
<td>1-2</td>
</tr>
</tbody>
</table>

Maximum points allowable: 17

Notes on Reference checks:
Contact person #1: ________________________________
Comments: ______________________________________
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________

Contact person #2: ________________________________
Comments: ______________________________________
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________

Construction Experience (continued)

<table>
<thead>
<tr>
<th>F. Project #3</th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Was plan approval required for project under California Building Codes?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Yes</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>□ No</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>ii. Were California State Fire Marshal inspection, plan, approvals and field inspection required?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Yes</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>□ No</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>iii. Was access to the Project site restricted or limited and in congested</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
iv. Was this project performed while the existing facility continued in operation?
- Yes: 1
- No: 0

v. Did project require shutdown and relocation of existing facilities while minimizing disruption to occupied space?
- Yes: 1
- No: 0

vi. Did this project include mitigation measures?
- Yes: 1
- No: 0

vii. Did this project include adherence to critical path scheduling?
- Yes: 1
- No: 0

viii. Construction experience similar to the proposed project-completion record, budget, scheduling, labor force, project administration, and contract administration.
- Exceeds Requirements: 9-10
- Satisfies Requirements: 7-8
- Average: 5-6
- Barely satisfies requirements: 3-4
- Poor: 1-2

Maximum points allowable: 17
Notes on Reference checks:
Contact person #1: ______________________________________
Comments: ____________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
Contact person #2: ______________________________________
Comments: ____________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________
______________________________________________________

SUBTOTAL for Construction Experience Category
### 6. Surety Record & Bonding Capacity

<table>
<thead>
<tr>
<th></th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>From surety’s notarized statement, does Contractor have bonding capacity of ${}$?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>□ Yes, declaration submitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum points allowable: 0</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>Surety is an admitted surety; or is listed on latest U.S. Treasury’s List of Acceptable Sureties (Federal Projects)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Surety company on list</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Surety company not on list</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum points allowable: 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SURETY: ________________________________</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>Surety has not paid out any monies on claims on the performance bond issued for surety within the last 7 years.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum points allowable: 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SUBTOTAL for Surety Category</td>
<td></td>
</tr>
</tbody>
</table>
### Insurance Capacity

<table>
<thead>
<tr>
<th></th>
<th>Actual Points Rec’d</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. From insurance carrier's declaration, can bidder obtain minimum insurance (G/L: $2M/$4M; Auto $1M)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ No</td>
<td></td>
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<td>☐ Yes and received declaration or certificate</td>
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<td>NPQ 0</td>
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<td>B. Carriers meet Best rating of A- or better for Liability; B+ or better or University accepted for Workers’ Compensation and Employer’s Liability &amp; financial classification of VIII or better?</td>
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<tr>
<td>G/L Carrier:</td>
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<td>☐ Insurance companies meet ratings, except State Comp Fund which is UC approved</td>
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</tr>
<tr>
<td>A. Firm had accidents resulting in construction fatality with the last five(5) years?</td>
<td>Actual Points Received</td>
<td># of Points Avail</td>
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<tr>
<td>--------------------------------</td>
<td>------------------------</td>
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<table>
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<tr>
<th>B. Firm been cited by OSHA past 5 years?</th>
<th>Actual Points Received</th>
<th># of Points Avail</th>
</tr>
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<td>1</td>
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<tr>
<td>more than 2 citations</td>
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<table>
<thead>
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<th>C. Worker’s Compensation Experience Modification Factor (EMF): RATE:</th>
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<th># of Points Avail</th>
</tr>
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<tbody>
<tr>
<td>Less than 1 for current year</td>
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<td></td>
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<tr>
<td>More than 1 for current year</td>
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<tr>
<td>Average for last 3 years (less than 1)</td>
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<td>Average for last 3 years (more than 1)</td>
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<td>Maximum points allowable: 2</td>
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</table>

<table>
<thead>
<tr>
<th>D. Provided EMF verification from State of California or from insurance company:</th>
<th>Actual Points Received</th>
<th># of Points Avail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, verification submitted</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No, verification not submitted</td>
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**SUBTOTAL for Safety Record and Program** 6
9. **Labor Compliance**

<table>
<thead>
<tr>
<th>Condition</th>
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<tbody>
<tr>
<td>A. Provided name of apprenticeship program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Yes</td>
<td></td>
<td>1</td>
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<td>0</td>
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<tr>
<td>Maximum points allowable: 1</td>
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<td></td>
</tr>
<tr>
<td>B. Violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?</td>
<td></td>
<td></td>
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<tr>
<td>- No violations</td>
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<td>2</td>
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<td>- 1-2 violations</td>
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<tr>
<td>Maximum points allowable: 2</td>
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<td></td>
</tr>
<tr>
<td>C. Required to pay either backwages or penalties for Bidder’s failure to comply with State’s prevailing wage laws?</td>
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<tr>
<td>- No</td>
<td></td>
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<tr>
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<tr>
<td>D. Agree to the Electrical apprenticeship program</td>
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**SUBTOTAL for Safety Record and Program** 6

**RECAP SUBTOTALS OF EACH CATEGORY:**

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<th>Category</th>
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<td>California Contractor’s License/Information</td>
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<td>Disciplinary Measures/Termination History</td>
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<td>False Claims/Claims History/Change Order History</td>
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<td>Construction Experience</td>
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<td><strong>TOTALS</strong></td>
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END OF EVALUATION FORM

UCSF/CPFMPrequalification Evaluation Form

(Date) Page 15 of 15
Exhibit D
<table>
<thead>
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<th>Project</th>
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<th>Relevant Experience</th>
<th>Demonstrated Competency</th>
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<th>Relevant Experience</th>
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</tr>
</tbody>
</table>
Exhibit E
“BEST VALUE” CRITERIA AND QUESTIONNAIRE

Total Points Available – 1350

INSTRUCTIONS

Bidders shall submit a completed Best Value Questionnaire by responding to the following questions and criteria and shall attach all required documents and information as indicated below.

Provide six (6) sets of this entire questionnaire and associated attachments as required by Supplementary Instructions to Bidders Item 12 on Article 5.3 Submission of Bids. When using attachments, provide responses to the best value criteria using the same outline format presented in this questionnaire.

1. FINANCIAL CONDITION

   Total Possible Points: 50

   A. Surety - Has information regarding your $\{\} $ bonding capacity and Surety Company changed from what was included in your updated Prequalification Questionnaire submittal?

      YES ☐ NO ☐

   B. If yes, provide a signed declaration from the Surety Company stating the amount of bonding capacity available to your firm. In addition, either provide a notarized declaration or include the following in the last paragraph of the declaration:

      “The undersigned declares under penalty of perjury that the above statement(s) submitted is true and correct and that this declaration was executed in ___________ County, California, on (date).”

(Note: SURETY COMPANIES USED BY BIDDER SHALL BE AN ADMITTED SURETY INSURER AS DEFINED IN THE CALIFORNIA CODE OF CIVIL PROCEDURES SECTION 995.120.)
2. **RELEVANT EXPERIENCE**

Total Possible Points – 500

A. {Edit this section according to project being bid. Following is an example.} Provide detailed information about two (2) 25,000 gsf or greater construction projects (renovation projects are preferred) substantially completed by your firm within the last 6 years. Construction costs for at least one of the projects must be worth $15,000,000 or greater at the time of completion. If Owner provided A/V equipment, include cost of A/V equipment as part of the total construction cost. Respond to items 1 through 8 below. Describe in detail, all aspects of the project work with emphasis on the work scope, MEP coordination, and construction schedule.

Recommendations:
- At least one of the two projects used Building Information Modeling (BIM) for MEP coordination. It is also recommended that management personnel proposed under Management Competency section were assigned to at least one of these projects.
- At least one of the two projects submitted was managed using lean construction or a similar method. The example should describe how the method was implemented and how the implementation affected the production, cost, quality, and schedule of the project.
- Management personnel proposed under Management Competency section were assigned to at least one of these projects.

In separate attachments for each project, follow the same outline format exhibited in this document, the Bidder shall provide information about the following:

1. **General project Information:**
   a. Project name:
   b. Location:
   c. Name of Owner and current contact information:
   d. Contract completion date:
   e. Actual completion date:
   f. Total construction duration in calendar days:
   g. Project delivery method:
   h. GSF:
   i. Construction cost - contract amount:
   j. Construction cost - final amount:
   k. Change order rate - %: If over 5%, provide explanation
2. **Type of project** – Briefly describe the type of project using descriptive words such as renovation, new construction, medical simulation center, smart classrooms, institutional, academic, etc.

3. **Description of project similarities** – Compare similarities in construction with proposed UCSF’s Telemedicine project.

4. **Specific challenges** - Describe any specific challenges that had to be overcome during the construction period and how they were resolved.

5. **Contractor quality control process** - Describe any quality control process implemented during the construction period to ensure conformance with all codes, Owner standards, specifications and drawings and general tracking of punch list items. Firms that are able to offer a formal QC process such as ISO 9000 will be scored favorably.

6. **Coordination of Owner furnished equipment** – Describe how your firm coordinated the installation of any Owner Furnished-Owner/Contractor- Installed (OF-O/C-I) equipment.

7. **Project work scope** - Describe in detail all aspects of the construction work scope, including but not necessarily limited to demolition, network infrastructure, HVAC, electrical, plumbing, steam, fire protection, heavy equipment installations, A/V, wall paneling, dropped ceilings, raised flooring, repairs and rehabilitation, dust control, working in an operating facility.

8. **Claims** - Describe, if any, any disputes, claims, or delays except those with a value less than $50,000. If the claim(s) is by a public entity against your firm or claims by your firm against a public entity, provide an explanation(s) of the issues involved for each dispute/claim or delay and the terms of resolution, if resolved.

Project narratives shall be submitted in the form of attachments to this document, one attachment per project. Presented information shall follow the same outline format as this document using no more than five (5) standard pages per project, minimum font size -12. Photos, diagrams, sketches, organizational charts, and examples of BIM may also be included with each attachment, with a 10 page limit.
B. Projects will be scored on how closely they meet the following criteria:

1. Project(s) that fully meet the criteria delineated in paragraph A will be scored favorably.

2. Equivalent or similar projects submitted that closely meet proposed project will be evaluated and scored based on complexity of the Work.

3. MEP coordination work using BIM will be scored favorably. MEP coordination work using alternate methods will be evaluated and scored.

4. Complexity of the Work with emphasis on MEP construction, working in a continuously operating environment.

5. Formal quality control processes used on projects will be evaluated and scored.

6. Projects that were completed at UCSF will be scored favorably.

7. Projects that were successfully completed under critical constraints will be scored favorably.

8. Projects that were successfully completed while facing specific challenges that were overcome due to the experience and expertise of project management will be scored favorably.

C. CLAIMS

1. Describe for your firm any disputes, claims, or delays except those with a value less than $50,000, in the past three (3) years. If the claim(s) is by a public entity against your firm or claims by your firm against a public entity, provide an explanation(s) of the issues involved for each dispute/claim or delay and the terms of resolution, if resolved.

2. Has your firm in the past three (3) years ever failed to honor a claim by a public entity to remedy an alleged warranty item or an alleged defective workmanship item during the contract warranty period? If so, describe in detail the circumstances surrounding each such claims and resolution or lack thereof.
3. **MANAGEMENT COMPETENCY**

**Total Possible Points – 600**

A. Competency in Managing Contract Schedule:

1. Describe how your firm would develop the baseline construction schedule for this project and keep it updated.

   Provide copies of schedule documents listed below from one of the submitted projects, prepared by one or more members of the project team. The project team members who generated the document must be identified. Bidder may submit documents from another project if the information requested is not available from one of the submitted projects and Bidder will not be deemed non-responsive; however, the point score will be affected.

   i. Preliminary Contract Schedule at initiation of construction.
   ii. Contract Schedule updated at time of Final Inspection.
   iii. A 3 to 6 week look ahead schedule from the midpoint of construction.
   iv. Lean construction-related reports such as pull schedule reports and/or daily or weekly production plans such as Last Planner reports. Any documents tracking the progress of the production plans such as plan percent complete reports are also preferred.

2. Scheduling Software - Provide the name of the scheduling software that the Bidder would use to schedule the Work for this project.

3. Lean Project Delivery/Pull Schedule

   Describe how your firm typically implements lean construction or a similar method on projects, and how they intend to implement the method on this project. Bidders should address pull scheduling, Last Planner™ process, use of BIM for coordination, approach to logistics planning with subcontractors, use of premanufactured subassemblies, coordination with trades, architect and engineers and management of risks during construction.
B. Competency in managing Subcontractors
  Provide copies of the following documents from the same project as Item A.1.*
  
  - Copy of the list or schedule of Shop Drawings, Product Data, Samples and other submittals prepared by the GC and used to track progress.
  - Demonstrated results of coordination process between Mechanical, Electrical, Plumbing, Fire Sprinkler and Drywall contractors (e.g. copy of procedures, or documentation of the process that identified issues and outcomes of the process.)
  - Copy of a document tracking the number of clashes or conflicts resolved during design and/or MEP coordination using BIM and/or 3D clash detection in relation to the final number of conflicts discovered and resolved during construction after the BIM and/or 3D clash detection and MEP coordination process.
  - Copy of project issue logs at ~50% completion (Logs used to track progress of RFI’s, responses, field orders, cost proposals and change orders)

C. Competency in managing Preconstruction Services
  Provide copies of the following documents from the same project as Item A.1.*
  
  - Copy of the any logistics plan, phasing plan or list of shut-downs that was prepared for distribution to the subcontractors.
  - Copy of preconstruction survey and site condition assessment.
  - Copy of any project risk assessment.
  - Copy of any 4-D (BIM and scheduling) or 5-D (BIM, scheduling and cost) analysis correlating constructability and construction schedule.

D. Quality Control process – Describe the quality control process that would be implemented on this project. Firms that are able to offer and implement a formal QC process will be scored favorably.

E. MEP coordination - Describe method and procedures used for MEP coordination. Those firms that can show competency in using BIM for MEP coordination work will be scored favorably.

F. Coordination of owner furnished equipment - Describe how your firm would provide support for UCSF and coordinate the installation of Owner Furnished-Owner/Contractor-Installed (OF-O/C-I) equipment.

G. MEP Utilities – Describe the management experience your firm will bring to the project for these disciplines. Describe your firm’s understanding of the required work scope in this area.

* Bidder may submit documents from another project if the information requested is not available from the same project as Item A.1 and Bidder will not be deemed non-responsive; however, the point score will be affected.

H. Change Order pricing – Describe your firm’s policies and procedures on change order pricing. Discuss how man-hours, equipment and materials would be estimated and marked
up. Describe your firm’s understanding of the terms and conditions for change order pricing required in Article 7 of the contract documents, Changes to the Work.

I. Project Team Organization

Provide an organizational chart identifying by name and title all of the proposed key personnel of each team component. Bidders proposing management personnel that have previous experience working at UCSF on similar projects will score favorably.

1. **Resumes** – Submit resumes demonstrating qualifications, training, and experience for the key personnel who will be assigned to this project. Resumes should include references.
   
   i. Project Manager
   
   ii. Project Engineer – prior work experience at UCSF preferred
   
   iii. Superintendent – prior work experience at UCSF preferred
   
   iv. MEP Coordinator – prior work experience at UCSF preferred
   
   v. Scheduler
   
   vi. Estimator

2. **Management Staffing Plan** – Submit a Management and Staffing plan that clearly shows on-the-job time commitments during the construction period and post substantial completion to final acceptance.

The Management Competency narrative shall be submitted in the form of an attachment to this document. Presented information shall follow the same outline format as this document using no more than five (5) standard pages per project, minimum font size -12. Diagrams, sketches, schedules, resumes, organizational charts, and examples of BIM shall also be included with this attachment, as required, no page limit.

J. Management competency will be scored based on the following criteria and any noted items specified under 3A & 3B:

1. Complexity of schedule information provided and the type of software used

2. The Firm’s commitment to implementing a documented quality control program that ensures Work conformance to all codes, orders, and specifications applicable to this project and the overall quality of the QC program itself.

3. The method used for MEP coordination.

4. The Firm’s method for developing change order pricing and management understands UCSF contractual requirements for pricing changes in the work.
5. The strength, experience, and work history of the personnel that will be assigned to the team and time commitment to this project. Firms that propose management personnel with prior experience working at UCSF will be scored favorably, regardless of their company affiliation at the time the Work was performed.

4. **LABOR COMPLIANCE**

**Total Possible Points – 100**

A. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom Bidder intends to request the dispatch of apprentices to Bidder for use on the Project.

Name: 
Address: 
Telephone Number: 

If Bidder operates its own State-approved apprenticeship program, state the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of Bidder’s apprenticeship program(s).

B. At any time during the last five (5) years, has Bidder been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

☐ Yes  ☐ No

If yes, provide the date(s) of such findings, and attach copies of the Department’s final decision(s).

C. During the last five (5) years, was Bidder required to pay either back wages or penalties for Bidder’s failure to comply with the State's prevailing wage laws?

☐ Yes  ☐ No.

If "yes," identify the violation by providing the project name, date of the violation, name of the entity (or entities), a brief description of the nature of the violation, and a brief description of the status of the violation (pending, or if resolved, a brief description of the resolution).
D. During the construction of the project, Bidder will agree to the following requirements:
   • minimum of 60% of all journeymen wiremen will be graduates of an apprenticeship program approved by the California Apprenticeship Council;
   • Minimum of 20% of jobsite electrical workers are OSHA 10-hour General Industry Safety & Health certified;
   • At least one jobsite electrical worker is OSHA 30-hour General Industry Safety and Health certified.

   □ Yes □ No

5. SAFETY RECORD

   Total Possible Points – 100

   A. Does your firm have a written Injury and Illness Prevention Program (IIPP) that complies with California Code of Regulations, Title 8, Sections 1509 and 3203?

      YES □       NO □

   B. Does your firm have a written safety program that meets CAL/OSHA requirements? Submit a copy of the safety program that will be applicable to this project.

      YES □       NO □

   C. Will your firm have personnel permanently assigned and dedicated to Safety on this project?

      YES □       NO □

      If yes, state the names of all such personnel who will be assigned and individually list their specific duties. Attach resumes. Include certification and safety related training received.

   D. Have you had accidents, which resulted in a construction fatality, on any of your projects within the last five (5) years?

      YES □       NO □

      If yes, provide additional information. ___________________________
E. 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 last five (5) years?

YES ☐  NO ☐

If yes, provide additional information.

____________________________________________________________________________________

____________________________________________________________________________________

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.

F. Attach EMR verification from State of California or from insurance company for each year listed below.

**EMR Rating:**
Current year: ____________
Previous year: ____________
Year prior to previous year: ____________
Exhibit F
# Bid Evaluation Scoring

**Best Value**

<table>
<thead>
<tr>
<th>Project Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Number:</td>
<td></td>
</tr>
<tr>
<td>Bidder Name:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

## Summary:

1. Financial Condition: _________________________
2. Relevant Experience: ________________________
3. Demonstrated Management Competency: ___________
4. Labor Compliance: __________________________
5. Safety Record: ______________________________

Total Score: __________________________

## Evaluator:

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Affiliation</th>
<th>Date</th>
</tr>
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</table>

Bid Evaluation Scoring

Date
1. **Financial Condition - Surety**

TOTAL AVAILABLE POINTS - [100]

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<thead>
<tr>
<th>Category</th>
<th>Point Range</th>
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<tbody>
<tr>
<td>A. Surety</td>
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<tr>
<td>i. No change from Prequalification Questionnaire</td>
<td>0-100</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. Change from Prequalification Questionnaire and provided a declaration (Surety Company is an Admitted Surety Insurer)</td>
<td>0-100</td>
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**Subtotal Evaluated Points**

---
2. Relevant Experience

TOTAL AVAILABLE POINTS - 500

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<tr>
<th>Category</th>
<th>Point Range</th>
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<tr>
<td>A. General Project Information</td>
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<td>Type of Project</td>
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<tr>
<td>Description of project similarities</td>
<td>50</td>
<td></td>
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<tr>
<td>Specific challenges</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Contractor quality control process</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Coordination of Owner furnished equipment</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Claims (can be a deduct score)</td>
<td>20</td>
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<tr>
<td>Project Work Scope</td>
<td>150</td>
<td></td>
</tr>
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</table>

B. Disputes/claims/delays

i. Claims by a public entity against your firm aggregated or individual over $50,000. Claims by your firms against public entity

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<thead>
<tr>
<th></th>
<th>DEDUCT 0-100</th>
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<tbody>
<tr>
<td>□ 0 claims (None)</td>
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<tr>
<td>□ 1-2 claims with Acceptable, 100% resolution</td>
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</tr>
<tr>
<td>□ 3 or more claims with Acceptable, 100% resolution</td>
<td>30</td>
</tr>
<tr>
<td>□ 1-3 claims with Acceptable, 50% resolution</td>
<td>40</td>
</tr>
<tr>
<td>□ 1-3 claims with Acceptable, 25% resolution Or 6 or 4 more claims with Acceptable, 50% resolution</td>
<td>50</td>
</tr>
<tr>
<td>□ 1-3 claims with Acceptable, 0% resolution Or 4 or more claims with Acceptable, 25% resolution</td>
<td>75</td>
</tr>
<tr>
<td>□ 4 or more claims with acceptable, 0% resolution</td>
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Acceptable: 40% or less Owner aggregate recovery
<table>
<thead>
<tr>
<th>Claims</th>
<th>Points</th>
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<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
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Subtotal Evaluated Points
3. **Demonstrated Management Competency**

TOTAL AVAILABLE POINTS - **600**

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<th>Category</th>
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<tr>
<td>A. Schedule Development</td>
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<tr>
<td>Scheduling Software</td>
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<tr>
<td>Lean project deliver/pull schedule</td>
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<tr>
<td>Competency in managing subcontractors</td>
<td>20</td>
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<tr>
<td>Competency in managing Preconstruction Services</td>
<td>20</td>
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<tr>
<td>Quality Control Process</td>
<td>25</td>
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<tr>
<td>MEP Coordination</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Coordination of owner furnished equipment</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>MEP Utilities</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Change Order pricing</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>B. Project Team Organization</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Project Manager</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Project Engineer</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Superintendent</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>MEP Coordinator</td>
<td>30</td>
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<tr>
<td>Scheduler</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Estimator</td>
<td>10</td>
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<tr>
<td>Organizational Chart</td>
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<tr>
<td>Management &amp; Staffing Plan</td>
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<tr>
<td>Is Project Team proposed the same as in one of the projects submitted in 2A?</td>
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**Subtotal Evaluated Points**
4. Labor Compliance

TOTAL AVAILABLE POINTS - 100

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<tbody>
<tr>
<td>a. Apprenticeship Program</td>
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<tr>
<td>i. Program</td>
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<td></td>
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<td>Program identified</td>
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<tr>
<td>No program identified</td>
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<tr>
<td>ii. Violations</td>
<td></td>
<td></td>
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<tr>
<td>No violations</td>
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<tr>
<td>1 Violation</td>
<td>10</td>
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</tr>
<tr>
<td>2 &amp; over Violations</td>
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<tr>
<td>b. Prevailing Wage Compliance</td>
<td>0 – 30</td>
<td></td>
</tr>
<tr>
<td>i. 1 Paid back wages or penalties</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>ii. Over 1 Paid back wages or penalties</td>
<td>0</td>
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<tr>
<td>iii. No penalties</td>
<td>30</td>
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<tr>
<td>c. Agree to comply with Electrical Safety Policy</td>
<td>30</td>
<td>0 – 30</td>
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Subtotal Evaluated Points
5. Safety Record

TOTAL AVAILABLE POINTS - \{100\}

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<thead>
<tr>
<th>Category</th>
<th>Point Range</th>
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<tbody>
<tr>
<td>a. Safety Program</td>
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<tr>
<td>i. Has written IIPP</td>
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<tr>
<td>ii. Submitted a written program</td>
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<td>iii. Commit personnel assigned to Safety</td>
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<tr>
<td>b. Accidents with last 5 years</td>
<td>0 – 25</td>
<td></td>
</tr>
<tr>
<td>i. No accidents</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>ii. 1 - 2 accidents</td>
<td>15</td>
<td></td>
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<td>iii. 3 accidents</td>
<td>10</td>
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<td>iv. 4 - 5 accidents</td>
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<td></td>
</tr>
<tr>
<td>v. Over 5 accidents</td>
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<td></td>
</tr>
<tr>
<td>c. EMR</td>
<td>0 – 25</td>
<td></td>
</tr>
<tr>
<td>i. Less than 0.90</td>
<td>25</td>
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</tr>
<tr>
<td>ii. 0.90 but no more than 1</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>iii. Over 1</td>
<td>0</td>
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<tr>
<td>iv. Verification not attached</td>
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<td>d. CAL – OSHA fines</td>
<td>0 – 25</td>
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<tr>
<td>i. No fines/violations</td>
<td>25</td>
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</tr>
<tr>
<td>ii. 1 - 2 fines/violations</td>
<td>15</td>
<td></td>
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<tr>
<td>iii. 3 fines/violations</td>
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<td></td>
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<tr>
<td>iv. 4 - 5 fines/violations</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>v. Over 5 fines/violations</td>
<td>0</td>
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</table>

Subtotal Evaluated Points


Exhibit G
12 December 2008

Richard D. Schram
President
Schram Construction
3162 Regional Parkway
Santa Rosa, CA 95403

Subject: Response to Protest of Proposed Bidder Selection Process

Dear Mr. Schram,

Thank you for your letter of December 10, 2008, which the University (Facility) and DPR construes as a bid protest pursuant to Instructions for Bidders Article 9.2.1. It has been referred to me for decision. As you know, Schram and other bidders were given the option to bid the Alternate combination bid package (BP-ALT-1,2 OPB & EC) as well as Alternate bid packages 1 and 2 individually. Unfortunately, after specifically requesting that the bidding be reopened to allow Schram to bid Alternate BP-ALT-1,2 OPB & EC, Schram apparently chose again not to bid the combined bid package alternate (BP-ALT-1,2 OPB & EC).

That Addendum G issued on October 29, 2008 in direct response to Schram’s request reads as follows:

11.2.3 Mechanical subcontractors can only bid on the bid package alternates if a stand alone bid package is submitted. BP-ALT-1,2 OPB & EC has been added as a new bid package alternate. Subcontractors who previously bid on BP1 or BP2 only, are now able to submit a BVQ and Bid for the BP1 or BP2 package not previously submitted. For the BP-ALT-1,2 subcontractors have the option to submit additional BVQ information for evaluation. If no additional BVQ information is submitted then BVQs for BP1 and BP2 will be reviewed and reevaluated for any bids received for BP-ALT-1,2.

Contrary to your assertions, and consistent with University practice and the law, the bidding instructions specifically allowed DPR/the University to choose whatever alternates they deemed appropriate and in the best interests of the University, with the lowest best value score bidder for that selected alternate bid package deemed the lowest responsive bidder. The instructions read as follows:
8.3 Award

8.3.2 DPR will have the right to accept Alternates in any order or combination, unless otherwise specifically provided in the Bidding Documents. The opening of Bids and evaluation of Alternates will be conducted in accordance with a procedure that, at University's option, either (i) prescribes, prior to the time of Bid opening, the order in which Alternates will be selected or (ii) prevents, before the determination of the apparent low Bidder has been made, information that would identify any of the Bidders from being revealed to the representative of DPR selecting the Alternates to be used in determining the low Bidder. After determination of the apparent low Bidder has been made, DPR will publicly disclose the identity of each Bidder that submitted a Bid and the amount of each such Bid.

Pursuant to the instructions above, the blind bids were opened by the University and tabulated such that the identity of the bidders for each alternate was not revealed to the representatives of DPR or the members of the University serving on the best value scoring committee and/or those selecting the alternates to be used in determining the low Bidder. The alternates were selected in the best interests of the University based on a number of factors, including but not limited to price, coordination, preferred scope and other criteria. The steps above are consistent with University practices in selecting alternates and packaging subcontractor work which best serve the needs of a given Project.

Consequently, Schram's bid protest is overruled. This is the decision of UCSFMC (The Facility) and DPR pursuant to Article 9.2.1 of the Instructions to Bidders. Should Schram choose to contest this decision, Schram must follow the procedures outlined in the Instructions to Bidders Article 9.2.3. Unfortunately, every alternate can be chosen; nor may every bidder be awarded a subcontract. The University of California San Francisco Medical Centers and I hold Schram in high regard.
and sincerely hope that Schram will continue to bid our work. Should you have any questions or concerns, please feel free to contact me.

Very Truly Yours,

[Signature]

J. Stuart Eckblad
Director, Office of Design & Construction
January 23, 2009

Janette G. Leonidou
Leonidou & Rosin
777 Cuesta Drive, Suite 200
Mountain View, CA 94040

Fax 650-691-2889

David Bergquist
University of California
Office of General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94607

Fax 510-987-9757

Joseph W. Forbath
Woodruff, Spradlin & Smart
555 Anton Blvd., Suite 1200
Costa Mesa, CA 92626

Fax 714-835-1113

RE: University of California, San Francisco
UCSF Medical Center at Mission Bay
Schram Construction, Inc. Bid Protest

Dear Ms. Leonidou and Messrs. Bergquist and Forbath:

By letter dated December 19, 2008, Schram Construction, Inc. protested or appealed action by the University of California, San Francisco, arising from the UCSF Medical Center at Mission Bay. After reviewing the available data, Chair, Construction Review Board, determined that a hearing in the matter was appropriate. I was asked to act as the Hearing Officer and to issue a written decision on the protest/appeal.

An informal hearing was held on Friday, January 9, 2009, beginning at 10:30 a.m., at University of California, 1111 Franklin Street, Oakland, California. At the hearing, the parties made opening statements, presented evidence and testimony, and presented closing statements. The evidentiary hearing concluded at 5:40 p.m. After giving the parties an opportunity to brief any outstanding legal issues, the hearings were declared closed without briefing, on January 13, 2009.
Ms. Leonidou and Messrs. Bergquist and Forbath  
January 23, 2009  
Page 2

BACKGROUND

University of California, San Francisco (hereinafter "UCSF") is in the process of designing the UCSF Medical Center at Mission Bay. In general, the project consists of the design and construction of: A 42,000 square foot energy center, a 212,000 square foot OSHPD 3 outpatient building and a 633,000 square foot, 289 bed, 6 story hospital. To facilitate construction, UCSF desired to select qualified subcontractor candidates to provide design-assist preconstruction services to its prime contractor (DPR) and if a construction contract is later awarded, construction of the project.

To achieve its goals, UCSF required each interested subcontractor to participate in a mandatory pre-qualification process, followed by submission of a best value questionnaire (hereinafter "BVQ") and a preconstruction monetary bid.

Initially the project bid with six bid packages (hereinafter "First Bid"). Relevant here are BP1 and BP2. After receipt of the First Bids, it appeared to UCSF that there was excessive variance in the bid price for preconstruction services, leading UCSF to conclude that the bidding documents did not sufficiently describe the required preconstruction services required from the successful subcontractor bidders. To allow UCSF to revise and rebid clarified preconstruction services, UCSF rejected all bids for all six bid packages. Subsequently, the project was rebid (hereinafter "Second Bid") with eight bid packages. Relevant here are the former BP1, BP2 and the new BP-ALT-1, 2 (a combination of BP1 and BP2).

Following the Second Bid, but before learning bidder identities and BVQ, UCSF chose BP-ALT-1, 2 in lieu of separate bid packages BP1 and BP2 and informed the bidders by email of its choice. By letter dated December 10, 2008, Schram Construction, Inc. (hereinafter “Schram”) protested UCSF’s decision to “unilaterally pre-select bid packages,” asserting instead that UCSF could only award based on the lowest [BVQ] score. In a subsequent written protest/appeal, Schram also asserted the UCSF’s “blind bidding” system for determination of the “best value” bid was flawed because “DPR was aware of the identity of each bidder for each package.” This appeal and hearing followed.

As set forth more fully below:

UCSF gave itself options of what bid packages it might award, and informed the prospective bidders of UCSF’s options. The options included UCSF’s right to award a contract for BP1, a contract for BP2 or a contract for BP-ALT-1, 2.

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1 “BP” in the bidding documents, means “Bid Package.”
Ms. Leonidou and Messrs. Bergquist and Forbath
January 23, 2009
Page 3

The bidding process was "blind" and UCSF did not know the identity of the low bidder before selecting BP-ALT-1,2.

There was no evidence of bias or favoritism on the part of UCSF in the selection of BP-ALT-1,2, or the determination of the apparent low bidder for BP-ALT-1,2.

It was undisputed that the low bidder for BP-ALT-1,2 (Southland Industries, Inc.) submitted the "best value" bid for BP-ALT-1, 2.

FINDINGS

1. This project was bid as a design assist project with the award intended to be to the bidder who bid the "best value" for the contemplated work.

2. It was undisputed that Schram met the pre-qualification criteria.

3. For the First Bid, Schram pre-qualified and submitted its BVQ and bid for BP1. For the First Bid, Schram did not pre-qualify, submit a BVQ or bid for BP2. There was no BP-ALT-1,2 in the First Bid.

4. For the Second Bid, Amendment F to the bidding documents provided in pertinent part:

11.2.3 Mechanical subcontractors can only bid on the bid package alternates [BP-ALT-1,2] if a stand alone bid package is submitted [for BP1 or BP2]. ... E... , previously submitted from Mechanical subcontractors for BP1 and BP2 will be reviewed and re-evaluated for any bids received for the BP-ALT-1,2.3

5. As initially written, Section 11.2.3, above, of the bidding documents for the Second Bid precluded Schram from bidding the new BP-ALT-1,2 bid package, because Schram did not submit a BVQ for BP2 for the First Bid.

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2 The low bidder and "best value" was determined by taking the sum of each bidder's monetary bid, divided by that bidder's score from its BVQ, to determine the lowest price per BVQ point.

3 Language within brackets "[]" is that of the Hearing Officer.
6. By way of email from Richard Schram to Jezzell Marez (DPR), dated October 24, 2008, Mr. Schram states in pertinent part:

You added BP-ALT 1,2 Energy Center and Outpatient Building-HVAC and Plumbing/Process Piping Combo [BP-ALT-1,2]. This eliminates us from being able to bid this combo because we did not submit a prequalification and BVQ for the outpatient building [BP2]. This favors other bidders who previously submitted pre-qualifications and BVQ’s for both the Energy Center [BP1] and Outpatient Building [BP2]. Please withdraw this new bid package or allow time for us to submit a prequalification and a BVQ for the Outpatient Building [BP2].

7. By way of letter dated October 28, 2008, from Mr. Schram to Jezzell Marez, Schram again protests the Amendment F changes made by UCSF to the bidding documents as they pertain to BP-ALT-1,2, stating in pertinent part:

In Amendment F, DPR has added BP-Alt-1,2 ... Combo. This is a new bid package which was not part of the original instructions to bidders. This material change to the bid documents provides an unfair advantage to Southland, ACCO and Spencer.

SCI [Schram] did not prequalify, submit a Best Value Questionnaire or bid BP2 ...

Article 11 of Amendment F states “Mechanical subcontractors can only bid on the bid package alternates [BP-ALT-1,2] if a stand alone bid package is submitted” and “only subcontractors who have previously submitted a prequalification and Best Value Questionnaire are able to rebid.” Therefore, SCI [Schram] is unable to bid the Alternate Bid PB-Alt-1,2 ...

DPR must either withdraw BP-Alt-1,2 or allow time for SCI to submit a prequalification and Best Value Questionnaire for PB-2 Outpatient Building.

8. As a result of the issues identified by Schram, UCSF issued Amendment G to the bidding documents on October 30, 2008. Among other things, Amendment G extended the bid date to November 5, 2008, and provided Schram the opportunity to submit a BVQ for BP-2 and BP-ALT-1,2, providing in pertinent part:

11.2.3 Mechanical subcontractors can only bid on the bid package alternates if a stand alone bid package is submitted. BP-ALT-1,2 OPB & EC has been added as a new bid package alternate. Subcontractors who previously bid on one or either BP1 or BP2, are now able to submit a BVQ and Bid for the BP1 or BP2 package not previously
submitted. For the BP-ALT-1,2 subcontractors have the option to submit additional BVQ information for evaluation. If no additional BVQ information is submitted for BP-ALT-1,2, then BVQs for BP1 and BP2 will be reviewed and re-evaluated for any bids received for BP-ALT-1,2. ...

9. For the Second Bid, Schram prequalified, submitted a BVQ, and bid on both BP1 and BP2.

10. Although Amendment G modified the bidding documents so that Schram could bid BP-ALT-1,2, Schram did not submit a bid for BP-ALT-1,2.

11. Upon learning that Schram did not submit a bid for BP-ALT-1,2, DPR representatives spoke by telephone two times with Schram. In each instance, Schram confirmed that it did not submit a bid for BP-ALT-1,2, without providing a reason, despite Schram’s initial insistence that UCSF modify the bidding documents so that Schram could bid BP-ALT-1,2.

12. In the Second Bid, two other bidders submitted bids for BP-ALT-1,2.

13. Pre-qualified bidders were encouraged to bid as many bid packages as they were qualified to perform. However, because bidders did not know how many bid packages they might be the successful low bidder on, bidders were also required to state within the bidding documents, how many bid packages they could guarantee to perform. For example, a bidder might bid six packages, but guarantee that it could only perform (any) two if awarded.

14. Amendment E to the bidding documents was the pre-construction RFI [request for information] log, provided to all prospective bidders during the pre-bid phase. RFI PC 054 provides in pertinent part:

**RFI Question:** We are interested in providing multiple proposals but would not like to be the selected subcontractor on all of our proposals. ... Can you provide a bid form that allows a listing of an order of preference that we could make which would allow this method to work?

**Clarification:** We will accept an option where a single entity submits on multiple Bid Packages yet can only perform a lesser number of bid packages than submitted. In this case the sub must submit a statement that guarantees the number of bid packages the sub can perform regardless of the bid packages that are chosen as long as the number of bid packages awarded is equal to or lesser than the number the subs has stated they can perform.
To this case, the packages will be awarded in the order of least number of sub bids to the most number of sub bids. In the case of a tie in the number of sub bids the order of award will be:

a. Bid Package 3
b. Bid Package 5
c. Bid Package 4
d. Bid Package 1
e. Bid Package 2
f. Bid Package 6

(Sic.)

15. Article 8, Consideration of Bids, Award, section 8.3.2 provides in pertinent part:

DPR will have the right to accept Alternates in any order or combination, unless otherwise specifically provided in the Bidding Documents. The opening of Bids and evaluation of Alternates will be conducted in accordance with a procedure that, at University's option, either (i) prescribes, prior to the time of Bid opening, the order in which Alternates will be selected or (ii) prevents, before the determination of the apparent low Bidder has been made, information that would identify any of the Bidders from being revealed to the representative of DPR selecting the Alternates to be used in determining the low Bidder. ...

16. Following the Second Bid, but before learning bidder identities and BVQ, DPR chose BP-ALT-1,2 in lieu of separate bid packages BP1 and BP2 and informed the bidders by email of its choice.

17. At the hearing, Mr. Schram testified that he thought he did not need to submit a bid for BP-ALT-1,2 (to be considered for that work), unless Schram’s bid for BP-ALT-1,2 was less than the combined bid for BP1 and BP2. Because Schram's bids for BP1 and BP2, combined, was the same as Schram's bid for BP-ALT-1,2 would have been, Mr. Schram stated he did not submit a bid for BP-ALT-1,2.

18. The undisputed testimony regarding the blind bidding process was as follows:

Upon receipt of the bids and at a public bid opening, the sealed bids from all bidders were shuffled by three DPR/UCSF representatives to commingle the bids from all bidders, then each individual bid was randomly placed into an envelope marked “A,” “B,” “C”, etc. (Individual bidders were not assigned a common alphabetic designation for each of their multiple bids to further conceal the bidders' identities.) Thereafter, one person on behalf of
Ms. Leonidou and Messrs. Bergquist and Forbath  
January 23, 2009  
Page 7

UCSF opened the alphabetically labeled envelopes, opened the sealed bid inside each envelope, and actually saw the name of the bidder and the bidders' monetary bid sums for a specific bid package. Although she disclosed aloud each bidder's bid sum for each respective bid package, she identified the bidder only by the alphabetic designation on the outside of the envelope, not by name. She did not disclose the actual bidders' name to anyone then or later.

**CONCLUSIONS**

After carefully considering the Findings and evidence, I conclude:

1. **Schram failed to meet its burden of proof to my satisfaction that UCSF cannot choose to award BP-ALT-1,2 in lieu of awarding BP1 and BP2 individually.** Section 8.3.2 of the bidding documents permits UCSF to award based on selection of alternates. It was undisputed that DPR/UCSF concluded that awarding BP-ALT-1,2 to one of the two BP-ALT-1,2 bidders, was in the best interest of the University. It was undisputed that it was very important to DPR/UCSF, and that DPR/UCSF had the discretion, to try to award the maximum work to one contractor to minimize overlap and conflicts in the design development and construction.

2. **As written, Amendment F would not have allowed Schram to bid BP-ALT-1,2, and Schram objected. As a result of Schram's objection, UCSF amended the bidding documents (Amendment G) to give Schram an opportunity to bid BP-ALT-1,2, but Schram chose not to bid it. Although Schram's testimony was that it did not believe it was necessary to bid BP-ALT-1,2 unless its price would be less than the combined prices of its bids for BP1 and BP2, there was no evidence that this misunderstanding on Schram's part was the result of any communication from UCSF or in the bidding documents. In fact, on cross-examination Schram's testified that nothing UCSF or DPR said or did discouraged Schram from bidding BP-ALT-1,2.**

3. **Schram argued that DPR/UCSF must select the bid packages based solely on the "best value" without regard for whether the best value is derived from BP1 and BP2, or BP-ALT-1,2.** Schram's argument was not persuasive. As noted elsewhere in the Conclusions, DPR may choose the alternate bid packages without regard for the best value. Once DPR selects the alternate(s), DPR/UCSF must then award, if there is an award, based on the best value, but section 8.3.2(iii) of the bidding documents expressly permits selection of an alternate bid package before determination of the bidder's identity and best value. DPR/UCSF's discretion to select an alternate bid package should not be confused with DPR/UCSF's subsequent determination of who the low bidder of an alternate bid package is based on the bidder's best value.

4. **Not every subcontractor bidding multiple bid packages had the ability to perform 100% of the work they were bidding. RFI PC-054 permitted subcontractors to bid multiple bid packages, with the express provision in the bidding documents that if they were the successful low
Ms. Leonidou and Messrs. Bergquist and Forbath
January 23, 2009
Page 8

subcontractor. In the event a subcontractor submitted multiple bid packages, but was only able to guarantee less than the full number of bid packages bid, RFI PC-054 set forth an order for the award of the bid packages.

5. If, as Schram contends, UCSF was required to consider Schram’s separate bids for BP1 and BP2, against other bidders bids for BP-ALT-1,2, it would defeat UCSF’s blind bidding system. First, as stated above in 8.3.2(ii), DPR can only choose BP-ALT-1,2, if the procedure prevents, before the determination of the apparent low bidder has been made, information that would identify any of the bidders from being revealed to the representative of DPR selecting the alternates to be used in determining the low bidder. Therefore, before knowing the identity of bidders, DPR must choose whether it wants to award BP1 and BP2 separately, or BP-ALT-1,2. But before DPR can determine whether one entity has submitted individual bids for both BP1 and BP2, it must learn the identity of the bidders, and learn whether any of the bidders for BP1 and BP2, have guaranteed their ability to perform two contracts, and if so, then apply the methodology set forth in RFI PC-054. Once the identities of the bidders are known (as implementation of Schram’s argument would require), DPR is precluded from awarding ALT-BP-1,2, the blind bidding system is no longer ‘blind’ and the public is no longer protected from potential favoritism in the award of the bids.

6. As to Schram’s contention that the bidding system was flawed because it was not a blind bidding system, Schram did not meet its burden of proof to my satisfaction. The undisputed evidence was that only one person knew the identity and bidding sum for each bidder, that she did not disclose that information to anyone and that she was not a participant or decision maker in the remainder of the bidding procedures. Schram’s argument that DPR/UCSF could have, by reviewing and comparing BVQ’s with the known bidders names and pre-qualification information, determined who was bidding what sum during the blind portion of the bidding, was not supported by sufficient evidence. Mere speculation about a method by which a public agency could attempt to circumvent a blind bidding system is not sufficient.

For the reasons set forth above, I conclude that Schram’s bid protest is denied.

Sincerely,

Paul W. Taylor
Hearing Officer

cc: University of California, Deputy General Counsel (via first class mail only)
Chair, Construction Review Board (via facsimile only and email)
UCSF Representative Rebecca Ross (via facsimile only)
CHARLES F. ROBINSON #113197
STEPHEN P. MORRELL #77501
DAVID E. BERGQUIST #154122
University of California
Office of the General Counsel
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Attorneys for Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

EXEMPT FROM FEES (GOV. CODE § 6103)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

SCHRAM CONSTRUCTION, INC., a corporation,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a public entity; DPR CONSTRUCTION, INC., a purported corporation,

Respondents and Defendants,

SOUTHLAND INDUSTRIES, a purported corporation and DOES 1 through 50, fictitiously-named parties,

Real-Party-In-Interest and Defendant.

CASE NO. CPF-09-509241

COURT ORDER DENYING THE PETITION FOR A WRIT OF MANDATE / ADMINISTRATIVE MANDAMUS AND DISMISSING CLAIMS FOR INJUNCTIVE AND DECLARATORY RELIEF

Hearing Date: April 13, 2009
Hearing Time: 9:30 AM
Dept: 301
Judge: Honorable Peter J. Busch

Petition filed February 24, 2009
The petition for Writ of Administrative Mandamus came on regularly for hearing before the Honorable Peter J. Busch in Department 301 of this Court on April 13, 2009. Janette Leonidou appeared on behalf of Plaintiff Schram Construction, Inc.; David Bergquist appeared on behalf of Respondent Regents of the University of California; Raymond Buddie appeared on behalf of Respondent DPR Construction, Inc.; Joseph Forbath appeared on behalf of Respondent Southland Industries. The administrative record of the proceeding before the Hearing Officer was lodged with the Court.

The Court after having read and considered the supporting and opposing points and authorities, declarations and exhibits and having considered the arguments of counsel rules as follows:

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT the Petition for Writ of Mandate/Administrative Mandamus (Code of Civil Procedure Section 1085 or Section 1094.5) is denied. Petitioner has not carried its burden to show that Respondent acted contrary to law or abused its discretion or that its findings were not supported by substantial evidence.

DATED: May 22, 2009

RONALD EVANS GUIDA

PETER J. BUSCH
Judge of the Superior Court

The Honorable RONALD EVANS GUIDA signing this document on behalf of the Judge who heard the cause.

COURT JUDGMENT DENYING THE PETITION FOR A WRIT OF MANDATE / ADMINISTRATIVE MANDAMUS AND DISMISSING CLAIMS FOR INJUNCTIVE AND DECLARATORY RELIEF
Exhibit H
PILOT PROGRAM SURVEY RESPONSES

Hathaway Dinwiddie: “Best Value process recognizes qualities in a General Contractor that cannot be brought forward in a traditional public works bid. Have the experience, staff, quality of service, safety record and financial status that will benefit our standing in a "Best Value" section and are accordingly much more encouraged to bid your work.”

DPR: “DPR is motivated by the “Best Value” process at UCSF and this process is a prime reason for bidding the UCSF projects. We know we can expect fair treatment with this type of process and believe it is UCSF’s way of providing a competitive responsible bidding criterion, the closest thing to negotiated contracting in a public environment.”

BCCI: “BCCI have found through our past experiences that our most successful projects were those where the client chose our services based on combined qualifications and fees. Often times, these projects were completed on budget, or below. The Best Value process allows our firm to differentiate ourselves from our competition. We are given an opportunity to compete on a level playing field with other bidders, as well as challenge ourselves to provide the upmost quality and service to our clients’ projects. BCCI has a proven track record of successfully completing public and private sector projects where the Best Value process was used.”

GCI (new): “With the Best Value approach that UCSF has undertaken, I feel that contractors can look at UCSF opportunities and actually feel that they have a legitimate opportunity to be awarded the project based on their qualifications on an equal plane.”

Turner: “Our expectation of Best Value is that it is both a qualitative and quantitative process of selecting the general contractor, not just based on a low bid.”

McCarthy: “it enhances the selection process by limiting the field to the most qualified pool and we believe it’s not based only on one criteria i.e. lowest price. Most of our clients on the university level are utilizing this approach on their selection of their CM/GC and it is certainly a more attractive option.”

Overea Construction: “views best value in two ways - both positively and negatively. In general, believe it can be a very good delivery system that enables owners to select firms with the most relevant experience. However, they are time intensive and require more resources to respond to, so we must be selective as to which ones to pursue. Also, it’s important we understand the RFP selection process at the time of the RFQ to ensure our firm has the necessary experience levels for the project to compete successfully.

Also, the best values tend to attract and award niche general contractors, so UCSF may want to look into relaxing requirements on occasion in order to attract a broader pool of firms.”

Dome (Telemedicine): “consider UCSF’s best value model to be a much more attractive bid model than the low bidder takes it approach. Believes our value will come through at the end with cost and the quality of the finished product.”

Dome (Kidney): “Could be competitive with other bidders but that the quality of team and proposal would give the best chance for success. Best Value provides UCSF with the opportunity to weigh other important considerations in evaluating proposals besides just low pricing. The approach is more closely aligned with the concept of competitive negotiated project delivery which is widely used in private construction and has been the company’s focus for the past 40 years. It allows the opportunity to invest in, train and develop the highly skilled staff required.”
Marellich: "Best Value" is the best approach on UCSF's critical projects ($5M and up) and can benefit both UCSF and Contractors. "Best Value" ensures that the contractor and its subs are capable of executing the project on time, on budget and maintain the required quality of work. Additionally, "Best Value" simply filters out contractors that don't qualify to perform such work. So all in all "Best Value" is a win-win deal.”

Richlen: “by bidding this as a best value project that UCSF is clearly saying that price is not the only factor in awarding a project. For a company such as mine who’s reputation of providing a high level of quality and service can be awarded.”

James R. Griffin: “We are intrigued by the “Best Value” process and we think that considerations of other dimensions that add value to a project when measured by quality, reliability and cost savings over time would achieve better results than only considering the low bid. Such considerations have the potential for rewarding proposers that are the most qualified for the project. Best Value process could benefit all parties to the works: provide a better product for the owner, enhance businesslike relations during the process and allow for better opportunity for cost control leading to economies for the owner, fewer unknowns for the contractor and a more harmonious way of doing business. Similar practices are successfully employed in the private construction markets.”

Pankow (Telemedicine project): “Best Value does not reward the contractor that is the most aggressive on initial pricing, requiring them to be equally aggressive in performance to maintain their price and profit potential. It offers an opportunity to present and demonstrate skills in management of projects, price certainty, quality, planning and scheduling capabilities.”

Pankow (Kidney project): “Both University and Contractor benefit from this selection process. The bidder was selected based on the value and price not just price. A commitment has been made by the bidder to fulfill all of the values stated in the proposal, which benefits UCSF. A more cooperative relationship is established, because the bidder believes that his service is respected and has not been selected solely on the basis of the lowest price. A low price only based relationship that is not collaborative relationship.

University’s efforts to evolve beyond the low bid selection process is appreciated and we hope that this pilot program will become permanent to allow further programs to experiment with other forms of selection and team assembly such as Integrated Project Delivery.”

Whiting-Turner Contracting Co. - “That by evaluating our technical abilities for this project beyond just "low price" we can be competitive. This would be a benefit to contractors because they do not necessarily have to be just the "low bidder". In fact they may not be the low bidder at all but be competitive on the price and able to offer UCSF a fantastic technical approach which lands the project. This is an obvious benefit to the contractor - less risk. On both sides, just evaluating low bid is risky. It means you are taking only the lowest market price that is out there without any consideration of the ability, quality record, safety record or performance record of the contractors or even more risky - the subcontractors. The proof to the University of the Success of this method will be to analyze the quality of product delivered by this method, the extent of change order requests, the extent of claims, and the extent of on time delivery and chart it against projects procured in the other manner. I suspect the results will tell a clear tale on the benefits. The way to make the process one step better is to also prequalify the subcontractor pool. That way contractors and UCSF both know that the low bids we are getting are not just the low bid but the best low bid.”
November 3, 2009

To whom it may concern,

The Design Partnership has had the privilege to be the architects for two recent projects at UCSF which included the "Best Value" bidding process. Our experience with the Best Value process has been very positive and we feel that each project benefited from the process.

First of all, we believe that the process was handled in an extremely fair and open format. During the pre-bid meeting, contractors were informed of the requirements and scoring system because many of them were unfamiliar with the process. The review of contractor qualifications was performed in a fair manner with input from important stakeholders, from UCSF, and the A/E team.

There are many advantages to the Best Value process. We feel that it results in a better overall project for the following reasons:

Helps to build one constructive team of owner, contractor, architects and engineers. Contractor being selected on qualifications in addition to lowest price improves their performance and creates a more positive team. Contractors know that if they perform well, they will be more likely to participate in future “best value” projects.

Encourages Qualified Contractors to bid.
Highly qualified contractors are unwilling to bid low bid only projects. This is particularly important for complex projects such as hospitals, clinics, laboratories, etc. where experience with the building type, unique codes and agencies (OSHPD) is essential to the success of the project.

Projects are more likely to be completed on time or ahead of schedule.
The contractor knows how to schedule and run the project. There is incentive for low bid contractors to allow delays to occur, so these costs can be recovered. Both of our Best Value projects are currently meeting or exceeding the project schedule.

Reduces Requests for Information.
A qualified contractor knows better how to run the project, so they are more experienced in handling minor corrections without issuing RFI's. Also, they do not feel the need to develop unnecessary RFI's to justify future change orders.

Reduces change orders.
Contractors who are selected solely on low bid basis have an incentive to recover costs by requesting change orders. The contractors on our Best Value projects provided more complete bids, are engrossed in building good relationships, and want to avoid unnecessary change orders.

We look forward to working the University of California on more Best Value projects.

Sincerely,

John Boerger
Partner

Kevin Hinrichs
Project Manager

Tom Peterson
Medical Planner

John S. Boerger, Architect
John W. Kibbe, Architect
November 19, 2009

Re: UCSF Best Value Program

To Whom it May Concern

BlakeDrucker Architects is pleased to offer this letter as support for the Regents of the University of California’s Best Value program. BlakeDrucker has participated in the program for the first time this year as the Design Professional on the HSE 15 Craniofacial and Mesenchymal Biology Laboratory Renovation. Having been the Design Professional on multiple University of California Projects over the past 25 years and on another project of exactly this size and scale, I am extremely pleased with the Best Value Process and the benefits it has brought to the project currently under construction at the University of California at San Francisco.

Our experience has been extremely positive and we feel that the project has benefitted from the process. The selection process was handled extremely well and that the questions asked were responded to by each of the contractors and that the review and scoring was very much in line with the questions asked.

The Best Value Process helped to build a team that approached the project at an extremely professional level. The Contractor being selected on qualifications set the bar high for performance that the University and the A/E team could count on during the execution of the actual project. This has resulted in an extremely high level of communication, commitment and professionalism and all of these factors will have benefited the project.

This project is approximately 75% through construction. It is 11,000 square foot floor for a complex laboratory in a very complex and crowded research high rise on the UCSF campus. The project has gone extremely well so far because of this high level of communication and commitment exhibited by the Contractor that was presented initially in the response to the Best Value Questionnaire. It is clear even at this point that this project will be completed on-time and within budget. The skills that were important in the Best Value Process have been exactly the perfect mix for success on this Project.

One example is strictly time “on site.” Every project impacts an existing building with their disruptions of existing researchers, etc. One huge impact of the upfront planning using Virtual Design and Lean Construction principles that were sought out in Best Value Process is the fact that the Contractor will be physically “on site” with noise, etc for approximately 1/3 less time. That means that the time used to plan the job for efficient production was also time that did not disrupt any ongoing campus operations, nor require campus services. We think this is a huge benefit to the University.

Finally, Sustainability has been enhanced by this Best Value Process for our project. Not only through the Contractor’s ability to use our virtual model to plan out material locations to avoid
extraneous material usage, but also through the Contractor's LEED experience. The ability for a Design Professional to have this experience on the Contractor's side helps the project exceed expectations as we are on track to achieve a minimum of Silver Certification for this laboratory renovation project.

To be completed on time, or even early, on budget, and with minimized impact on the existing building and at the same time tread lightly on the environment is compelling justification for Best Value Selection to shed light on the potential for exceptional experience of the Contractor for a project.

We are extremely interested in participating in future Best Value Projects because for BlakeDrucker Architects, we have been excited by seeing a Contractor being valued for the process and planning that this selection process rewards. It means that we, as Design Professional, can give even more value to the University in our construction administration services as well.

We look forward to working with the University of California on more Best Value Projects.

Sincerely,

Bonnie Blake-Drucker, AIA
Architect/Principal
RE: UCSF Best Value Program

November 19, 2009

To Whom It May Concern

Please regard this letter as strong support for the Regents of the University of California’s Best Value program. Our construction company, PSP Construction has participated in the program 2 times in the past three years both as an unsuccessful bidder and as a successful bidder. In each case, we have been satisfied with the fairness of the process.

We have participated because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record, use of environmentally sound applications as well as price will best serve the University in terms of quality of work and on budget performance. As a small construction company, we have always utilized a lean approach to our projects. More recently, we have also implemented the use of a green approach, recycling materials and, when applicable, using sustainable products. We believe that these principles are crucial to success of future projects.

We will continue to remain interested in University of California San Francisco Projects and we are satisfied with the way Best Value Program was implemented at UCSF CAPITAL PROGRAMS & FACILITIES MANAGEMENT department.

Sincerely,

Paul Bogatsky
PSP Construction
November 19, 2009

UCSF
Capital Programs & Facilities Management
654 Minnesota Street, 2nd Floor
San Francisco, CA 94143-0894

RE: UCSF Best Value Program

To Whom It May Concern,

Please regard this letter as support for the Regents of the University of California’s Best Value program. Herrero has participated in the program once in the past three years as a successful bidder on project number M7401 - L00394 - HSE 15 S/D Craniofacial & Mesenchymal Biology Program Lab Renovation. We are satisfied with the fairness of the process and believe that the University and project team benefit equally from this selection and delivery model.

We have participated because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record as well as price will best serve the University in terms of quality work on time and on budget. We also believe that as the program develops and improves that the key performance indicators measured on each project will show that the benefit to the University of California will become even more apparent.

We will continue to participate in University of California San Francisco Projects because of the program and have been satisfied with the outreach and education efforts undertaken by the campus and its representatives.

Sincerely,

Scott Muxen
Vice President
Herrero Contractors, Inc.
Tuesday, December 01, 2009

Katy Mervin  
Director of Project Management  
UCSF Medical Center  
3333 California, Suite 115  
San Francisco, CA 94118

Re: Best Value Contracting

Dear Katy:

Pursuant to our discussion today, we would welcome the opportunity to go on record with our opinion that the Best Value contracting method currently utilized by UCSF is highly beneficial to all parties concerned.

This opinion is based upon numerous aspects of the basic nature of the medical construction business. The most obvious is the fact that a smoothly run construction project adds value, both in time and human resources. This value is recognized by all parties involved with the project including owner, user, contractor and design team. It would only stand to reason that a mechanism to assess and utilize this added value be kept in place.

Perhaps more important, however, is the benefit to the users and patients of the medical facility. As you well know, infectious control procedures are of paramount importance, the violation of which may have dire health consequences and incalculable costs. Accordingly, the Best Value criteria concerning a contractor's proven ability to build successfully in a medical facility environment cannot be taken lightly. In a completely open bidding arena, without prequalification or Best Value criteria, it is highly probable that the most inexperienced contractor will win. This is because they will not accurately assess and/or cost account for maintaining adequate interim life/safety or infectious control procedures, the cost of which is substantial. It is virtually impossible to depict the full aspects of these procedures on paper documents. It is something that must be experienced.

Another important value is the owner’s ability to attract the most qualified contractors to the bidding table. As you know, contractors invest a significant cost into each project we decide to pursue. A decision must be made by each contractor prior to bidding whether or not they have a reasonable chance of being the successful bidder. If the bidding arena becomes filled with contractors that are not properly qualified, the truly qualified contractors tend to drop out. This is not because they are not “competitive”. It is because they understand that the under qualified contractors will not accurately assess the costs required to build safely and effectively in a hospital environment.
Perhaps another way to looking at this is as such: An ignorant contractor has an unfair bid advantage that pre-qualification and Best Value contracting can eliminate, or at least minimize.

This is not to say that opportunities should not exist for new contractors to enter into the medical construction arena. After all, we, too, did our first medical project at one time. This, however, is the beauty of the Best Value system. Those most knowledgeable (UCSF personnel) can provide Best Value input relative to the sensitivity of each project. Those projects that are less sensitive to patient care issues can provide the training ground necessary to maintain a competitive contracting field, which will in turn feed the more sensitive projects with qualified contractors in due course.

We sincerely hope this opinion is of use to you and your associates. Feel free to contact me directly to discuss these issues further.

Sincerely,

Douglas J. Home
President
December 3, 2009

UCSF
Capital Programs & Facilities Management
654 Minnesota Street, 2nd Floor
San Francisco, CA 94143-0894

RE: UCSF Best Value Program

To Whom It May Concern,

Please regard this letter as support for the Regents of the University of California's Best Value program. Our firm is currently participating in the program as a successful bidder on the following project: UCSF Medical Center at Mission Bay. We have been satisfied with the fairness of the process and believe the final team on this project is one of the best.

We participate because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record, as well as price will best serve the University in terms of quality work on time and on budget.

We will continue to remain interested in University of California San Francisco Projects because of the program and have been satisfied with the outreach and education efforts undertaken by the campus and its representatives.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Brett Manning, S.E.
VP – Northwest Sales and Engineering
December 9, 2009

RE: UCSF Best Value Program

To Whom It May Concern,

Please regard this letter as our support for the Regents of the University of California’s Best Value program. Our firm has participated in the program one time in the past three years as a successful subcontractor to DPR Construction Inc. on UCSF Medical Center – Mission Bay project. We are very satisfied with the fairness of the process.

We participated because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record as well as price will best serve the University in terms of quality work, scheduling and budget.

We will continue to remain interested in University of California San Francisco Projects because of the Best Value program and the progressive design and construction systems that have been implemented by the University. We are very satisfied with the outreach and education efforts undertaken by the campus and its representatives.

Best Regards,
Cosco Fire Protection, Inc.

Jan Bento
Project Manager

Cc: Osman Chao, DPR
    Sonny Bottari, CFP
    Phil Raya, CFP
    Doug Targett, CFP
November 25, 2009

UCSF
Capital Programs & Facilities Management
654 Minnesota Street, 2nd Floor
San Francisco, CA 94143-0894
Attn: Julie Lau, Contracts Specialist

RE: UCSF Best Value Program

Dear Ms. Lau:

Please regard this letter as support for the Regents of the University of California's Best Value program. Our firm has participated in the program once in the past three years both as a successful bidder on the Mission Bay CVR Building. In this instance we have been satisfied with the fairness of the process.

We have participated because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record as well as price will best serve the University in terms of quality work on time and on budget.

We will continue to remain interested in University of California San Francisco Projects because of the program and have been satisfied with the outreach and education efforts undertaken by the campus and its representatives.

If you should have any questions or comments, please do not hesitate to call me at 510-226-5149.

Sincerely,

Michael J. Gross
Vice President
December 17, 2009

To Whom It May Concern

RE: UCSF Best Value Program

Dear Sir or Madam:

Please regard this letter as support for the Regents of the University of California’s Best Value program. XL Construction has participated in the program twice in the past three as an unsuccessful bidder on the following projects:

- UCSF Linac Placement
- UCSF ACC 7th Floor Kidney Transplant

In each instance we have been satisfied with the fairness of the process.

We have participated because we believe that an evaluation based on demonstrated management competency, financial condition, labor compliance, qualifications, relevant experience and safety record as well as price will best serve the University in terms of quality work on time and on budget.

We will continue to remain interested in University of California San Francisco Projects because of the program and have been satisfied with the outreach and education efforts undertaken by the campus and its representatives.

Sincerely,

XL Construction Inc.

Mario Wijman
Vice President
October 1, 2009

To Whom It May Concern:

The International Brotherhood of Electrical Workers, Local Union 6 has been in conversation with the staff from the Office of Design & Construction of the University of California, San Francisco. We are supportive of the Best Value Program and it is our belief that the office of Design & Construction is living up to the Union’s expectation of the legislation.

The University has been well served and the faculty, students and the general public can be assured that quality electrical work has been installed by craft proficient journeymen and apprentice electricians under the Best Value Program. Maintenance work performed by employees of the University is minimized by virtue of the fact that these jobs are done right the first time by responsible contractors and their employees.

It is my belief that this program should be expanded statewide so that all facilities may enjoy the benefits of the Best Value Program.

Sincerely,

John J. O’Rourke
John J. O’Rourke
Business Manager-Financial Secretary