

BIDDER'S QUALIFICATION FORMS

SANTA BARBARA UNIFIED School District CONTRACTOR'S STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION

I. REQUEST FOR PREQUALIFICATION OF BIDDERS

(Public Contract Code Section 20111.5,6)

The District requires from prospective bidder's answers to questions contained in this Standard Form of Questionnaire and Financial Statement including a complete statement of prospective bidder's financial ability and experience in performing public works. These documents will be the basis of rating bidders in respect to the size and scope of contracts upon which each bidder is qualified to bid. The District reserves the right to check other sources available.

The questionnaire and financial statements are not public records and are not open to public inspection. Ratings of individual firms will only be disclosed upon written request by that firm.

II. DISTRICT PREQUALIFICATION STANDARDS

Contractor's Statement of Experience
Appropriate California Contractor's License
Contractor's Financial Condition and Bondability
Certificate of Insurance
Certificate of Licensed Public Accountant
Accountant's Release Letter
Affidavit/certification on Pgs.18, 19, 20,21 completely executed

A Prequalification package is required for each project. The District may at any time specifically request a new package, in which case the Contractor must comply within thirty days or the rating on file may, at the discretion of the District, be considered expired. A Contractor may also file new packages at more frequent intervals if there is substantial change in the Contractor's financial status or work experience at which time a new rating will be issued.

In addition to being disqualified for failure to meet the district's criteria, a contractor may be Automatically Disqualified for any one of the following:

- (1) Omission of requested information
- (2) Falsification of information
- (3) Excessive stop notices and/or prevailing wage violations
- (4) Debarment from the Division of Labor Standards Enforcement.
- (5) Omission of former company names (DBA) information.

III. FINANCIAL INFORMATION

A. Audited & Reviewed Statement Requirements

Reviewed or audited statements will be required for projects under \$10 million. Audited statements will be required for all construction projects totaling \$10 million plus. Note: A compilation is not acceptable.

B. Financial Capacity

Prospective bidders will be prequalified to bid on projects up to a maximum dollar amount based on the lesser of ten times working capital (current assets less current liabilities) or ten times net worth (total assets less liabilities). Financial rating may be augmented by submission of a *Letter of Bank Credit*. Particular attention is called to the fact that the certificate of the certified public accountant or licensed public accountant must express an unqualified opinion or a qualified opinion which does not negate an opinion on the statements as a whole in order to receive a "financial capacity" qualification. Note: Statements with a "negative quick asset" amount may not be augmented.

Working capital and net worth are important factors in determining the bidding capacity of a Contractor; therefore, the accountant will perform a valuable service for their client and also assist the District if the accountant will furnish by supplementary schedules or as a part of the accountant's certificate, any information not specifically called for by the statement which, in the accountant's opinion, might properly be taken into consideration.

In the event that the Contractor's job income and expenditures are accounted on a completed contract basis and the balance sheet includes an item reflecting the excess of costs to date over billing to date, or vice versa, the elements of "Accumulated Cost" and "Billings to Date" must be shown in support of the balance sheet item.

C. Accountant's Certificate and Release

A certificate of a licensed Certified Public Accountant will be required in all cases. A suggested form of a certificate for both an audit and a review is included on Page 15. One of these may be used if appropriate. A certificate may be submitted in the accountant's own words, however, such qualifications shall not be so extensive as to nullify the value of the statement or its usefulness to the District.

Accountant's Release Letter will be required. We will verify financial statement validity with responsible accountant.

D. Term of Financial Statements

A Contractor's financial information is valid until the date shown is more than one year old. Statements will be held on file until the financial information is fifteen months old at which time it will be destroyed. The District reserves the right to reject statements in which the financial information is more than six months old.

IV. PUBLIC WORKS REQUIREMENTS

Projects estimated at \$300,000 to \$9,999,999 require the successful completion of at least two public works projects with an actual cost of construction totaling 75% of the estimated construction cost completed in the state of California in the past seven years.

Projects estimated at \$10,000,000 plus require the successful completion of at least two public works projects with an actual cost of construction totaling 50% of the estimated construction cost or two comparable projects (i.e. two high schools, two intermediate schools, etc.) completed in the state of California in the past seven years.

V. INSURANCE

A minimum combined comprehensive single limit liability insurance of \$1,000,000 or an amount equal to or greater than the coverage as identified in the district's bid document is required. A Certificate of Insurance must be issued to the school district which states levels and dates of coverage.

VI. BONDABILITY

The bonding surety is required to be an admitted surety in the state of California. The surety will be contacted to confirm willingness to bond this particular project. It is required that the contractor include a Letter of Bondability from the surety indicating their support levels for the project in question.

The payment and performance bonds required will neither be accepted nor approved by the District unless the bonds are underwritten by an admitted surety and the requirements of California Code of Civil Procedure section 995.630(a) and (b) are met. In lieu of the bid bond, contractor may provide a cashier's check amounting to 10% of the base bid.

In the event that the contractor is unable to obtain a bond in the time prescribed by the District, the Contractor may be suspended from the qualified contractor's list and not be allowed to bid on District projects until proof of bondability is provided.

VII. AFFIDAVIT

The affidavit on Pages 20 and 21 must be completely executed. Use form appropriate to the contractor's organization, i.e., sole proprietorship, partnership or corporation.

VIII. NOTIFICATION OF PREQUALIFICATION RESULTS

Contractors will be notified of their Prequalification rating by telephone/fax followed by mail. Notification will be made as soon as possible, but not later than 24 hours prior to bid opening.

District requires completed Prequalification Forms for the project to be submitted to:

**L.M. SWEANEY & ASSOCIATES
180 Grass Valley Road Lot 3 (Use Private Carrier ONLY)
Lake Arrowhead, Ca. 92352**

Contractors will be notified at least one day prior to the bid due date. Questions: Leave detailed Messages (909) 336-2771 or email questions to: Lynns11s@aol.com

IX. SUBMISSION OF COMPLETED STATEMENTS

Mail completed Contractor's Statement of Experience and Financial Condition along with the following:

Reviewed or Audited Financial Statement (Projects \$300,000 to \$9,999,999)
Audited Financial Statement (Projects \$10,000,000 plus)
Letter of Bondability identifying project by name
Certificate of Insurance issued to School District
Accountant's Release Letter
Letter of Credit (*optional*)

FAXED APPLICATION PACKAGES CANNOT BE ACCEPTED

**CONTRACTOR'S STATEMENT OF EXPERIENCE AND
FINANCIAL CONDITION XXXXX School District**

Contractor: _____
(As name appears on license)

Check One:
____ Corporation ____ Partnership
____ Sole Proprietorship ____ Joint Venture

Contact Name for This Document: _____

Address:

City, State, Zip:

Phone Number _____ Fax Number: _____

EMAIL ADDRESS _____

License Number (s):

License Class:

Expiration Date:

Tax ID Number:

Number years in business in Ca.:
(Using above business name License)

Ever been suspended within the last five years ____ Yes ____ No

Has there been any recent change in control of company? ____ Yes ____ No

Has your firm or any of its owners, officers or partners ever been convicted of a Federal or State crime of fraud, theft, or any other act of dishonesty? _Yes ____ No

If yes, explain on separate signed page.

1. Is the company or its owners connected with other companies as a subsidiary, parent, holding or affiliate ____ YES ____ NO
** If yes, explain on separate signed page.*
2. Corporate Officers - Partners - Proprietor - Owners - Key Personnel:

| Name | POSITION | YEARS WITH FIRM | % OF OWNERSHIP | COMMENTS |
|------|----------|-----------------|----------------|----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

3. Have officers or principals of firm ever had their contractor's licenses suspended or revoked? ____ Yes ____ No
- 3.b. Has this firm, an affiliated firm, any owner or any prior firm of an owner ever declared bankruptcy? ____ Yes ____ No
- 3.c. Has this firm or an affiliated firm ever been in receivership? ____ Yes ____ No
- 3.d. Has your firm been assessed liquidation damages on any project under the California contractor's license numbers listed above in the past five years? ____ Yes ____ No
If your answer is yes, please explain on a separate, signed sheet, identifying all such projects by owner, date, amount of liquidation damages assessed, and all other information necessary to fully explain the assessment of liquidated damages.
- 3.e. Has your firm been involved in any lawsuits (including presently pending lawsuits) related to a public works contract, either as plaintiff or defendant, in the period from January 1, 2008 to the present? ____ Yes ____ No
If the answer is yes, please identify each legal action in which your firm was involved during the relevant period, on a separate sheet, including for each legal action the

CONFIDENTIAL
PRIVILEGED
INFORMATION

identity of the plaintiff(s), defendants(s), court, case number, the public works contract that was the subject of the litigation, the amount in questions (as originally demanded in the Complaint), the amount of the eventual disposition of the lawsuit (whether by settlement or trial), and a general description of the claims made in the litigation.

3.f. Has your firm been involved in any arbitration or mediation (including presently pending arbitration or mediation) related to a public works contract in the period from January 1, 2008 to the present? _____ Yes _____ No

If the answer is yes, please identify each arbitration or mediation in which your firm was involved during the relevant period, on a separate sheet, including for each arbitration or mediation the identity of the parties to the arbitration or mediation, the name of the arbitrator or mediator, the public works contract that was the subject of the arbitration or mediation, the amount of the eventual disposition of the arbitration or mediation, (whether by settlement or by binding arbitration), and a general description of the claims made in the arbitration or mediation.

3.g. During the period from 2008-20013 did your company or firm have any prevailing wage violations? _____ Yes _____ No. *If yes, please list on a separate sheet all prevailing wage violations during the 2008-13 school year(s).*

3h. In the last five years has your firm, or any of your company's owners, officers, or partners been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? _____ Yes _____ No _____

* If yes to any of the above, explain on separate signed sheet.

4. In what type of construction do you specialize?

5. What was the largest amount of work completed in one year?

| DOLLAR AMOUNT | NUMBER OF JOBS | YEAR | LARGEST JOB |
|---------------|----------------|------|-------------|
| \$ | | | \$ |

6. List the total number of change orders and their total value filed on projects completed in

the last ten projects.

| Project and Owner | Total # of Change Orders | Disputed (Yes or No) | % of Contract |
|--------------------------|-------------------------------------|---------------------------------|----------------------|
|--------------------------|-------------------------------------|---------------------------------|----------------------|

7. List all former Company names (former DBA's), Contractors License Numbers, and Corporate Officer's Names.

| Former Company Names Used (former DBA's) | Contractor License No. | Corporate Officer's Names |
|---|-----------------------------------|----------------------------------|
| | | |
| | | |
| | | |
| | | |

INSURANCE

Do you currently have a minimum of \$1,000,000 Combined Comprehensive Single Limit Liability Insurance? Yes No **IMPORTANT:**

Please provide a Certificate of Insurance as verification.

AMOUNT OF INSURANCE \$_____

Insurance Company

Address

City, State, Zip

Phone Number

Contact Person

How long have you been with this insurance company?

If under two years, please list prior insurance company in the space below.

Insurance Company

Address

City, State, Zip

Phone Number

Contact Person

How long were you with this insurance company?

Has your company ever been canceled or refused to renew by any insurance company? _____

Explain:

SURETY INFORMATION

Provide a statement listing names of all surety companies, not agencies, utilized by prospective bidder in the last five (5) years. State whether the surety has been required or requested to complete any part of bidder's work during the last five (5) years. **Please provide a letter stating bondability for this project from surety company (Pg. 3, section VI).**

| Surety Company Name and Contact Person | ADDRESS TELEPHONE: FAX No.: | LARGEST BOND | YEARS USED |
|--|--|--------------|------------|
| | | | |
| | | | |

Please explain on a separate page, with dates of occurrences, any positive answer to the following questions.

Has your company, any owner, or affiliated company ever:

1. Been unable to obtain a bond or been denied a bond for a contract? No Yes
2. Defaulted on a contract forcing a Surety to suffer a loss? No Yes
3. Failed to complete a contract? No Yes
4. Failed to complete a District contract within the authorized contract time? No Yes
5. Ever declared bankruptcy? No Yes
6. Been in receivership? No Yes
7. Had any arbitration on a contract? No Yes
8. Are there any outstanding liens/stop notices for labor and/or material filed against your company on any contracts that have been completed or are being completed by your company?
 No Yes
9. How many projects is your company currently bonded for? _____
10. What size projects do you feel your company can undertake? Single Job: \$_____

PUBLIC WORKS CAPACITY

1. List three (3) of the largest contracts completed in the past five (5) years: (Use space on page 12 if more space is needed)

| OWNER NAME AND CONTACT PERSON | PHONE # EMAIL FAX # | TYPE OF WORK | CONTRACT PRICE | YEAR |
|----------------------------------|----------------------------------|--------------|----------------|------|
| | | | | |
| | | | | |
| | | | | |

Please include current and valid telephone, FAX Numbers and EMAIL.

The following questions are specific to contracts awarded to your firm by the Santa Barbara Unified School District:

- 1.b. Has your firm been awarded any contract(s) for any public works project(s) in the Santa Barbara Unified School District in the past 5 years? Yes No
If yes, List Project Name, Date, Contract Amount

- 1.c. Were there any Stop Notices for project(s) previously completed for the District? Yes No
If yes, List and explain

- 1.d. Were there any disputes with the District? Yes No
If yes, List and explain

- 1.e. Indicate yes or no to the following and explain any Yes responses:
 - Was the job superintendent changed? Yes No
 - Were there time delays? Yes No
 - Were there any Change Orders? Yes No
 - Were there any Labor Commission Violations? Yes No

- Is there any additional information that you would like to share about project(s) performed for the District?

CONFIDENTIAL
PRIVILEGED
INFORMATION

2. List two (2) of the largest ***Public Works*** contracts completed in the past five (5) years:

| OWNER NAME AND CONTACT PERSON | PHONE # EMAIL FAX # | TYPE OF WORK | CONTRACT PRICE | YEAR |
|----------------------------------|----------------------------------|--------------|-------------------|------|
| | | | | |
| | | | | |

Please include current and valid telephone, FAX numbers and Email

CONFIDENTIAL
PRIVILEGED
INFORMATION

3. Attach separate page listing all public works projects in the State of California that are in progress or complete in the last (5) years. If the project is in progress, it must be 80% or more complete. Indicate those projects separately. Include all information as listed below:

| SCHOOL DISTRICT NAME AND CONTACT PERSON | PHONE # EMAIL FAX # | TYPE OF WORK | CONTRACT PRICE | YEAR |
|--|---------------------------|--------------|----------------|------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Please include current telephone, FAX numbers and Email

CONFIDENTIAL
PRIVILEGED
INFORMATION

4. List current principle *Suppliers* and *Subcontractors*:

| SUPPLIER NAME ADDRESS, CITY & ZIP - PHONE/ FAX EMAIL | LARGEST CREDIT LIMIT | TERMS (DAYS PAID AND LAST TRANSACTION DATE) |
|---|-------------------------|---|
| | | |
| | | |
| | | |
| | | |
| | | |

FINANCIAL INFORMATION

Reviewed or audited statements will be required for projects under \$10 million. Note: A compilation is not acceptable. Audited statements will be required for all construction projects totaling \$10 million plus. (See Section III, Pg. 2.)(A certificate of a licensed accountant will be required in all cases.)

COMPLETE THIS CERTIFICATE FOR AN AUDIT OF FINANCIAL STATEMENT:

STATE OF:

We have examined the Financial Statement of _____ as of _____. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying financial statement included on pages ___ to ___ inclusive, sets forth fairly the financial condition of _____ as of ___, in conformity with generally accepted accounting principles.

Type Name of Firm

Accountant must sign here

Telephone No.

License No.

COMPLETE THIS CERTIFICATE FOR A REVIEW ONLY OF FINANCIAL STATEMENT:

I (we) have reviewed the accompanying financial statement of _____ as of _____. The information included in the financial statement is the representation of the management of the above firm.

Based on my (our) review with the exception of the matter(s) described in the following paragraphs(s), I am (we are) not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

Type Name of Firm

Accountant must sign here

Telephone No.

License No.

(Note this review consists principally of inquiries of management and appropriate analytical procedures applied to this financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we have not expressed such an opinion.)

Special note to Accountant:

The above Certificates of Accountant shall not be made by any individual who is in the regular employ of the individual, partnership or corporation submitting the statement; nor by any individual who is a member of the firm with more than a ten percent financial interest.

CONFIDENTIAL
PRIVILEGED
INFORMATION

ACCOUNTANT'S RELEASE LETTER

By signing the form below, I authorize Linda M Sweeny of L M Sweeny & Associates, to contact our company's licensed accounting firm to verify our most recent audited or reviewed financial statement. I understand the financial statement is confidential information and is not open to public inspection.

Name

Title

Company Name

Date

CONFIDENTIAL
PRIVILEGED
INFORMATION

The following form may be completed by your financial institution to augment your financial rating. If it prefers, your institution may issue a Letter of Credit on its own letterhead, provided the Letter of Credit contains substantially the same provisions, and is addressed to the district and bears an original signature.

TO: L M Sweeney & Associates

ATTENTION: Linda Sweeney

SUBJECT: GENERAL LETTER OF CREDIT

School District:: School District

Reference is made to the Prequalification of:

Name of Contractor

Under Board Rules of the Board of Education pertaining to the construction, alteration and maintenance of School District Facilities, we certify that the above Contractor has been extended an unqualified line of credit not to exceed \$ _____ and that such credit will not be withdrawn or reduced without 30 days written notice to the District.

It is understood that this letter of credit is to be used by the District solely for determining the financial resources of said Contractor during the term of his Prequalification with the District.

Institution No. Code:

(Name of Financial Institution)

(Address)

(City) *(State)* *(Zip)*

Signature/Date: _____

Type Name & Title: _____

FINANCIAL INSTITUTION RELEASE LETTER

CONFIDENTIAL
PRIVILEGED
INFORMATION

(For use only when augmenting financial rating with a Letter of Credit)

By signing the form below, I authorize L.M. Sweeney of L.M Sweeney & Associates, to contact our financial institution to verify our line of credit information. I understand this information is confidential information and is not open to public inspection.

Name

Title

Company Name

Date

CONFIDENTIAL
PRIVILEGED
INFORMATION

**AFFIDAVIT OF AN INDIVIDUAL
FOR A SOLE PROPRIETORSHIP**

I, an individual, _____
doing business as _____

This _____ Day of _____ 19_____

City of _____ County of _____

State of _____

Signature of Applicant

PARTNERSHIP AFFIDAVIT

I, a partner of
(NAME OF FIRM)

This _____ Day of _____ 19_____

City of _____ County of _____

State of _____

Signature of Applicant

CORPORATION AFFIDAVIT

I, the

(TITLE OF CORPORATION OFFICER)

of
(USE FULL CORPORATE NAME)

This _____ Day of _____ 19_____

City of _____ County of _____

State of _____

Signature of Applicant _____

Name and address of each partner:

President's name:

Vice President's name:

Secretary's name:

Treasurer's name:

Provide copy of most recent certificate from the Secretary of State indicating the standing of the Corporation.

CERTIFICATION OF STATEMENTS

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Signature here:

Date:
