

Attachment C

Minimum Qualifications Application (MQA)

Terminal Area Improvement Program Design Build

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1. INSTRUCTIONS

- Read this package carefully to make sure you understand what is required.
- If you are submitting a proposal as a single firm with both contracting and design experience, complete both the contractor and designer portions of this MQA.
- If you are submitting a proposal as a single firm (with only contracting or design experience), you must identify which subcontractor will be providing the other expertise and they must complete their respective portion of the MQA. Each firm should respond based only on each firm's experience and history—not combined experience.
- If you are submitting as several members of a joint venture team, each member should respond appropriately based on what services (contracting and/or design) that firm will bring to the team. If a member firm is proposing only as a contracting firm, then that firm should complete only the contractor portion of the MQA. If a member firm is proposing as a designer firm, then that firm should complete only the designer portion of the MQA. Each firm should respond based only on each firm's experience and history—not combined experience.
- If you are submitting as several members of a joint venture team, and all members of the team are contracting firms, you must identify at least one subcontractor design firm and they must complete the designer portion of the MQA.
- There is one exception where firm team members may combine experience—this is the response to Question 4 of Part I on the Contractor Form regarding bonding capacity. Response to this question may be a combined bonding capacity for the team/JV, if applicable.
- Submit all requested information. Do not leave any portion of a form blank: indicate N/A if not applicable.
- Provide the information on the attached forms or in the same format, and organize the information as set forth below.
- Provide attachments and/or other required supplemental information as requested or required.

2. MQA SUBMITTAL FORMAT

Index the MQA into the following sections and tab as indicated:

Tab No. 00	Contractor Information
Tab No. 01	Part I: Essential Requirements
Tab No. 02	Bonding Information
Tab No. 03	Part II-A: Organization Performance
Tab No. 04	Financial Information
Tab No. 05	Part II-B: Safety

Repeat as necessary using letter designations (Tab A00 through A05, Tab B00 through B05, etc.) for each contractor firm team/JV member.

- Tab No. 06 Designer Information
- Tab No. 07 Part I: Essential Requirements
- Tab No. 08 Professional Errors & Omissions Insurance
- Tab No. 09 Part II: Organization Performance

Repeat as necessary using letter designations (Tab A06 through A09, Tab B06 through B09, etc.) for each designer firm team/JV member.

3. INCOMPLETE SUBMITTALS

Incomplete and/or unsigned submissions will not be considered. However, if a submission is incomplete and if it appears that the omission can be cured promptly, the affected firm may be contacted and offered the opportunity to complete the statement and provide the required information within a prescribed period of time, which will not be extended. If a firm does not respond within the time stated, the MQA will not be considered.

4. MQA EVALUATION PROCESS

The City will evaluate based upon complete answers to questions contained in the attached questionnaire, information about current bonding capacity, and a notarized statement from surety. The City will rate proposers only using objective criteria based on the information obtained in the MQA evaluation process. The City will use information obtained from the documents submitted, as well as information obtained from references provided. The City reserves the right to verify from other available sources the information provided by the proposer and to rely upon such information gathered during the verification process.

Following a determination by the City that the proposer does or does not pass the MQA, the City reserves the right to adjust, increase, limit, suspend or rescind the determination based on subsequently learned information.

Any proposer determined not to pass the MQA, will be given an opportunity for a hearing as described below. No proposer shall have the right to appeal a determination based upon an incomplete or late submission of the MQA.

5. MQA SCORING

The MQA is comprised of contractor and designer forms.

For the contractor form, there are four (4) sections. Two sections are pass/fail and two sections require a minimum numerical score as indicated below. The point rating system is included in the application questionnaire for the scored sections.

- | | | |
|----|-------------|-------------------------------------|
| 1. | Information | Pass/Fail (Completed/Incomplete) |
| 2. | Part I | Pass/Fail |
| 3 | Part II-A | minimum required score of 58 points |
| 4 | Part II-B | minimum required score of 46 points |

For the designer form, there are three (3) sections. Two sections are pass/fail and one section requires a minimum numerical score as indicated below. The point rating system is included in the application questionnaire for the scored section.

- | | | |
|----|-------------|-------------------------------------|
| 1. | Information | Pass/Fail (Completed/Incomplete) |
| 2. | Part I | Pass/Fail |
| 3 | Part II | minimum required score of 40 points |

6. APPEALS PROCEDURE

The following is the process for a proposer to appeal a determination by the City that the proposer did not pass the MQA.

- A. Notice Of Determination: The City will deliver a written notice of determination to each proposer that it determines does not pass the Minimum Qualifications Application. The notice of determination will state the basis for the determination that the contractor does not pass.
- B. No Appeal For An Incomplete Or Late Submission: No contractor shall have the right to appeal a determination that it did not pass the MQA based upon its submission of an incomplete submittal or its late submission of the submittal.
- C. Appealing a “Not Qualified” Determination: A contractor that has timely submitted a complete MQA and that desires to appeal a determination that it did not pass the MQA shall do so as follows:
 - 1. Written Notice Of Appeal: The contractor shall deliver a written notice of appeal no later than 5 business days following the date of the City’s written notice of determination that the contractor did not pass the MQA.
 - a. Delivery Location: The contractor shall deliver the written notice of appeal to the same location where the MQA was submitted.
 - b. Contents: The contractor shall clearly set forth in the written notice of appeal the basis of the appeal in general terms.
 - c. Waiver: The contractor’s failure to submit a timely notice of appeal constitutes the contractor’s waiver of any and all rights to challenge the MQA determination, whether by administrative process, judicial process or any other legal process or proceeding.
 - 2. Hearing: If the Contractor timely delivers the required notice of appeal, the City will conduct a hearing on the appeal. The hearing will be informal.
 - a. Who Conducts Hearing: As determined by the City Manager, either the Director of Public Works, the City Manager, or the City Manager’s designee will hear the appeal.
 - b. Evidence: Prior to the hearing, the City will provide the contractor with any additional information supporting its determination that the contractor did not pass the MQA. Prior to the hearing, as well as at the hearing, the contractor may present information and arguments as to why it believes the City’s determination was incorrect.

3. Decision: Following the appeal hearing, the hearing officer will render a written decision setting forth the reasons for either upholding or reversing the initial determination that the contractor did not pass the MQA. The hearing officer's written decision shall be the final determination of this issue, and contractor shall have no further administrative appeals.
 4. Timing Of Hearing And Decision: Both the hearing on the appeal and the written decision following the hearing will occur within a time sufficient for the contractor to continue to be considered in the Design Build selection process. Notwithstanding the foregoing, the City will conduct the appeal hearing not later than 20 business days following the contractor's delivery of the notice of appeal, and will make the written decision not later than 20 business days following the hearing.
- D. Delay Of Contract Award: Notwithstanding anything to the contrary contained in this appeal process, it is the City's intent that the date for City Council award of the Design Build contract will not be delayed or postponed to allow for completion of an appeal.
- E. Future Qualification Evaluations: A City determination that a contractor does not pass the MQA under this RFP does not preclude the contractor from applying for prequalification on any subsequent invitations .

END OF INTRODUCTION

CONTRACTOR INFORMATION

1. **Legal Company Name:** _____
Street Address: _____
City/State/Zip: _____
Telephone: _____ Fax: _____

2. **Identify two (2) company contacts:**

Name	Title	Phone Number	Email Address
1. (Primary) _____			
2. (Secondary) _____			

3. **Identify other Key Personnel:** List owners, partners, officers, and key staff.

Name	Title	Years with Company	Years of Experience

4. **State your firm's gross revenues for each of the last three (3) years:**

\$ _____ (2003)
\$ _____ (2004)
\$ _____ (2005)

END OF CONTRACTOR INFORMATION

(Copy this form and Parts I, II-A, and II-B as many times as necessary for all contractor member firms)

PART I ESSENTIAL REQUIREMENTS FOR CONTRACTOR QUALIFICATION

***PROPOSER WILL BE IMMEDIATELY DISQUALIFIED
IF THE ANSWER TO ANY OF QUESTIONS 1 THROUGH 4 IS "NO."***

Background

1. Contractor possesses a valid and current California Contractor's License appropriate to their scope of work.
 No Yes # of years (CA) _____ Type _____
2. Contractor has a liability insurance policy with a policy limit of at least \$5,000,000 per occurrence.
 No Yes
3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code Section 3700 et. seq. with a policy limit of \$1,000,000 per accident.¹
 No Yes D-B Contractor is exempt from this requirement, no employees

Bonding Information

4. Contractor or team/JV has attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that Contractor's or team's current bonding capacity is sufficient for a project of at least \$320,000,000.
 No Yes

NOTE: *Notarized statement must be from the surety company, not from an agent or broker.*

Financial Capability

- Contractor shall provide its Dunn and Bradstreet Report.
- Attach a copy of the company's most recent financial statements including the Balance Sheet, Statement of Cash Flows, and notes to the financial statements. Financial statements must be for the company making the submittal, not the parent company, unless a guarantee of the subsidiary's obligations is provided.
- Attach a copy of a letter from a bank stating the following:
 1. How long the Contractor has been with the bank.
 2. Average balance (in general terms).
 3. Extent of credit available and terms of availability
 4. The bank's rating of the contractor as a customer.
 5. Name and telephone number of bank reference.

NOTE: *Failure to make available any information in this section, or evidence of poor financial stability will result in Proposer disqualification.*

¹ A "no" answer on Question 3 will not result in disqualification if the contractor is exempt from the requirement to maintain a workers' compensation insurance policy, because it has no employees.

**PROPOSER WILL BE IMMEDIATELY DISQUALIFIED
IF THE ANSWER TO ANY OF QUESTIONS 5 THROUGH 9 IS “YES.”**

Eligibility

5. Has your Contractor’s License been revoked or suspended at any time in the last five years?
 No Yes
6. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five years?
 No Yes
7. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded any local, state or federal public works contract, or perform as a Contractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?
 No Yes
8. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
 No Yes
9. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
 No Yes

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

End of Part I

PART II ORGANIZATIONAL PERFORMANCE, REGULATION COMPLIANCES, & PROJECTS

PART II-A ORGANIZATIONAL PERFORMANCE

CONTRACTOR MUST ACHIEVE 57 POINTS ON PART II-A OUT OF 81 POINTS MAXIMUM.

Background

1. How many years has your organization been in business in California as a contractor under your present business name and license number? ___ Years
- 2 points = 3 years or less*
3 points = 4 years
4 points = 5 years
5 points = 6 years or more

Bonding Information

2. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf in connection with a construction project, either public or private?

No Yes, number of instances _____

If “yes,” explain on a separate signed page: Identify the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

5 points = “No” or “Yes” indicating 1 such claim.
3 points = “Yes” indicating no more than 2 such claims.

Subtract 5 points for “Yes” if more than 2 such claims

3. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

No Yes, number of instances _____

If “yes,” explain on a separate signed page: Identify the insurance carrier, the form of insurance and the year of the refusal.

5 points = “No” or “Yes” indicating 1 such instance.
3 points = “Yes” indicating 2 such instances.
0 points = “Yes” if more than 2 such instances.

4. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. *You may provide an explanation for a percentage rate higher than one percent, if you wish to do so.*

Insert bonding rate here: _____%

5 points = The rate is no more than one percent.
3 points = The rate was no higher than 1.10 percent.
0 points = Any other answer.

- 8.. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
 No Yes “No” = 5 points “Yes” = Subtract 10 points
If “yes,” explain on a separate signed page: Identify person(s) involved, the name of the public agency, the date of the investigation and the grounds for the finding.
9. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
 No Yes “No” = 5 points “Yes” = Subtract 10 points
If “yes,” explain on a separate signed page: Identify person(s) involved, the name of the public agency, the date of the conviction and the grounds for the conviction.
10. 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?
 No Yes “No” = 5 points “Yes” = Subtract 10 points
If “yes,” explain on a separate signed page: Identify the person(s) convicted, the court (the county, if a state court, the district or location of the federal court), the year and the criminal conduct.

Project Performance

11. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
 No Yes “No” = 5 points “Yes” = 0 points
If “yes,” explain on a separate signed sheet.
12. Has any disciplinary action been filed with the CSLB against your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) within the last five years?
 No Yes “No” = 5 points “Yes” = 0 points
If “yes,” explain on a separate signed sheet.
13. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private Owner?
 No Yes, number of instances _____
If “yes,” explain on a separate signed page: Identify all such projects by Owner, Owner’s address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.
5 points = No projects with liquidated damages of more than \$50,000, or one project with liquidated damages of less than \$50,000
3 points = Two projects with liquidated damages of more than \$50,000
0 points = Any other answer

14. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

No Yes “No” = 5 points “Yes” = 0 points

If “yes,” explain on a separate signed page: Identify the year of the event, the Owner, the Project and the basis for the finding by the public agency.

15. Is your firm currently the debtor in a bankruptcy case?

No Yes “No” = 3 points “Yes” = 0 points

If “yes,” attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

16. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 2, above).

No Yes “No” = 3 points “Yes” = 0 points

If “yes,” attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

PART II-B OCCUPATIONAL SAFETY AND HEALTH LAWS, WORKERS' COMPENSATION, LABOR LEGISLATION

CONTRACTOR MUST ACHIEVE 46 POINTS ON PART II-B OUT OF 65 POINTS MAXIMUM.

Safety

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

No Yes, number of instances _____

Note: Do not include information related to any appeal of a citation for which the Occupational Safety and Health Appeals Board has not yet ruled on the appeal.

If “yes,” explain on a separate signed page: Describe the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

If the firm’s average gross revenues for the last 3 years were less than \$50 million:

10 points = “No” indicating 0 such instances.

5 points = “Yes” indicating 1 such instance.

0 points = “Yes” if more than 1 such instance.

If the firm’s average gross revenues for the last 3 years were more than \$50 million:

10 points = “No” or “Yes” indicating 1 such instance.

5 points = “Yes” indicating either 2 or 3 such instances.

0 points = “Yes” if more than 3 such instances.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

No Yes, number of instances _____

Note: Do not include information related to an appeal of a citation and the appropriate appeals Board has not yet ruled on the appeal.

If “yes,” explain on a separate signed page: Describe each citation.

If the firm’s average gross revenues for the last 3 years were less than \$50 million:

10 points = “No” indicating 0 such instances.

5 points = “Yes” indicating 1 such instance.

0 points = “Yes” if more than 1 such instances.

If the firm’s average gross revenues for the last 3 years were more than \$50 million:

10 points = “No” or “Yes” indicating 1 such instance.

5 points = “Yes” indicating either 2 or 3 such instances.

0 points = “Yes” if more than 3 such instances.

3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

No Yes, number of instances _____

NOTE: Do not include information related to an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending.

If “yes,” explain on a separate signed page: Describe each citation.

If the firm's average gross revenues for the last 3 years were less than \$50 million:

10 points = "No" indicating 0 such instances.

5 points = "Yes" indicating 1 such instance.

0 points = "Yes" if more than 1 such instances.

If the firm's average gross revenues for the last 3 years were more than \$50 million:

10 points = "No" or "Yes" indicating 1 such instance.

5 points = "Yes" indicating either 2 or 3 such instances.

0 points = "Yes" if more than 3 such instances.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project? _____

3 points = Once each week or more often.

0 points = Any other answer

Worker's Compensation

5. Experience Modification Rate (EMR)

A. Required EMR Rate and EMR Rate Documentation for Contractors that have Performed Work in California for at Least the Three Most Recent Years

If your firm has worked in California for at least the three most recent years, you must attach to this submittal documentation showing your California EMR for the three most recent years. Documentation shall be the actual Experience Rating Forms issued by the Worker's Compensation Insurance Rating Bureau of California or a letter from your insurance carrier or broker.

List below your firm's California Experience Modification Rate (EMR) for the three most recent years:

Current (or most recent) year: _____

Previous year: _____

Year prior to previous year: _____

B. Required EMR Rate and EMR Rate Documentation for Contractors that have Not Performed Work in California for at Least the Three Most Recent Years

If your firm has not performed work in California during at least the three most recent years, you must list below your firm's **Interstate** Experience Modification Rate for the three most recent years. **You must also attach to this submittal** documentation clearly showing an Interstate Experience Modification Rate for each of the three most recent years. Leave the following three blanks empty if you have performed work in California during the three most recent years.

Current (or most recent) year: _____

Previous year: _____

Year prior to previous year: _____

5 points for three-year average EMR of .95 or less.

3 points for three-year average of EMR of more than .95 but no more than 1.05.

0 points for any other EMR.

6. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

No Yes, number of instances _____

If "yes," explain on a separate signed page: Identify the reason for the absence of workers' compensation insurance.

If "no," Provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

5 points = "No" or "Yes" indicating 1 such instance.

0 points = Any other answer

Prevailing Wage

7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **State's** prevailing wage laws?

No Yes, number of instances _____

NOTE: *This question refers only to your own firm's violation of prevailing wage laws.*

If "yes," explain on a separate signed page(s): Describe the nature of each violation, the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

If your firm's average gross revenues for the last 3 years were less than \$50 million:

5 points = "No," indicating 0 such instances.

3 points = "Yes" indicating 1 such instance.

0 points = "Yes" if more than 1 such instance.

If your firm's average gross revenues for the last 3 years were more than \$50 million:

5 points = "No" or "Yes" indicating no more than 1 such instance.

3 points = "Yes" indicating either 2 or 3 such instances.

0 points = "Yes" if more than 3 such instances.

8. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal Davis-Bacon prevailing wage requirements**?

No Yes, number of instances _____

If "yes," explain on a separate signed page(s): Describing the nature of the violation, the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay and the amount of any penalty paid.

If your firm's average gross revenues for the last three years were less than \$50 million:

- 5 points = "No," indicating 0 such instances.
- 3 points = "Yes" indicating 1 such instance.
- 0 points = "Yes" if more than 1 such instance.
- If your firm's average gross revenues for the last 3 years were more than \$50 million:
- 5 points = "No" or "Yes" indicating no more than 1 such instance.
- 3 points = "Yes" indicating either 2 or 3 such instances.
- 0 points = "Yes" if more than 3 such instances.

Apprenticeship Program(s)

9. Provide the **name, address and telephone number** of the apprenticeship program(s) approved by the California Apprenticeship Council and the Department of Apprenticeship Standards with which your firm has executed a state form DAS-7 "Agreement to Train Apprentices".

- 5 points = Minimum one approved apprenticeship program is listed.
- 0 points = Any other answer

10. Has the appropriate craft apprenticeship program from which your firm obtains state certified apprentices graduated apprentices to the rank of Journey-level craft-person in each of the immediately preceding 5 years?

- No Yes "No" = subtract 5 points "Yes" = 5 points

11. At any time during the last five years, has your firm ever paid money arising out of a civil wage and penalty assessment under Labor Code Section 1741, or been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

- No Yes, Number of instances _____

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

If your firm's average gross revenues for the last 3 years were less than \$50 million:

- 5 points = "No," indicating 0 instances.
- 3 points = "Yes" indicating 1 such instance.
- 0 points = "Yes" and more than 2 such instances

If your firm's average gross revenues for the last 3 years were more than \$50 million:

- 5 points = "No" or "Yes" indicating no more than 1 such instance.
- 3 points = "Yes" indicating either 2 or 3 such instances.
- 0 points = "Yes" and more than 3 such instances

EXECUTION

The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. 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.

Printed Name

Title

Signature

Contractor Firm Name

End of Contractor Questionnaire Form

DESIGNER INFORMATION

1. **Legal Company Name:** _____
Street Address: _____
City/State/Zip: _____
Telephone: _____ Fax: _____

2. **Identify two (2) company contacts:**

Name	Title	Phone Number	Email Address
1. (Primary) _____			
2. (Secondary) _____			

3. **Identify other Key Personnel:** List owners, partners, officers, and key staff.

Name	Title	Years with Company	Years of Experience

4. **State your firm's gross revenues for each of the last three (3) years:**

\$ _____ (2003)
\$ _____ (2004)
\$ _____ (2005)

END OF DESIGNER INFORMATION

(Copy this form and Parts I and II as many times as necessary for all design member firms)

PART I ESSENTIAL REQUIREMENTS FOR DESIGNER QUALIFICATION

***PROPOSER WILL BE IMMEDIATELY DISQUALIFIED
IF THE ANSWER TO ANY OF QUESTIONS 1 THROUGH 3 IS "NO."***

Architectural/Engineering Background

1. Designer possesses valid and current California State Architect or Engineer Licenses appropriate to their scope of work.

No Yes (List all appropriate types)

License Discipline or Type _____ License # _____
of years (CA) _____

License Discipline or Type _____ License # _____
of years (CA) _____

License Discipline or Type _____ License # _____
of years (CA) _____

License Discipline or Type _____ License # _____
of years (CA) _____

License Discipline or Type _____ License # _____
of years (CA) _____

2. Designer has Professional Liability Errors and Omissions insurance against liability arising out of any negligent act, error or omission in performance of design or engineering services for the Project, with per claim and aggregate limits not less than \$3,000,000.

No Yes

NOTE: *If D-B Contractor intends to provide architectural and/or engineering services utilizing in-house resources, professional liability insurance or the equivalent is required. If subcontractor/consultant furnishes architectural and/or engineering services, the subcontractor/consultant shall be required to provide professional liability coverage. (Provide Copy)*

3. Designer can maintain continuous coverage for Professional liability applicable to the work on the proposed project for a period no less than five (5) years after completion of the work on the proposed project.

No Yes

End of Part I

PART II ORGANIZATIONAL PERFORMANCE

DESIGNER MUST ACHIEVE 40 POINTS ON PART II OUT OF 55 POINTS MAXIMUM.

Architecture/Engineering Background

1. How many years has your organization been in business in California as an architecture/engineering contractor/consultant under your present business name and license number? _____ Years
- 2 points = 3 years or less
3 points = 4 years
4 points = 5 years
5 points = 6 years or more

Professional Liability

2. At any time during the past five years, has any professional liability company made any payments on your firm's behalf as a result of an errors and omissions claim that resulted in a settlement against the firm or any of the subconsultants on the project team.

No Yes, number of instances _____

If "yes," explain on a separate signed page: Amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

5 points = "No" or "Yes" indicating 1 such claim.

3 points = "Yes" indicating no more than 2 such claims.

Subtract 5 points for "Yes" if more than 2 such claims

3. In the last five years, has any professional liability insurance carrier refused to renew the insurance policy for your firm?

No Yes, number of instances _____

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

5 points = "No" or "Yes" indicating 1 such instance.

3 points = "Yes" indicating 2 such instances.

0 points = "Yes" if more than 2 such instances.

Eligibility

NOTE: *The following two questions refer only to disputes between your firm and the owner of a project. Do not include information about disputes between your firm and a subconsultant or contractor. Do not include references to any dispute about amounts of less than \$50,000.*

4. In the past five years, has any claim **against** your firm concerning your firm's work on a project, been **filed in court or arbitration**?

No Yes, number of instances _____

If "yes," explain on separate signed sheets of paper: Identify the claim(s) by providing the Project name, date of the claim, name of the claimant, a brief description of the nature of

the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

If the firm's average gross revenue for the last 3 years was less than \$50 million:

5 points = "No" or "Yes" indicating 1 such instance.

3 points = "Yes" indicating 2 such instances.

0 points = "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last 3 years was more than \$50 million:

5 points = "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points = "Yes" indicating either 4 or 5 such instances.

0 points = "Yes" if more than 5 such instances.

5. In the past five years, has your firm made any claim against a Project Owner concerning work on a project or payment for a contract, and **filed that claim in court or arbitration?**

No Yes, number of instances _____

If "yes," explain on separate signed sheets of paper: Identify the claim by providing the Project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

If your firm's average gross revenues for the last 3 years was less than \$50 million:

10 points = "No" or "Yes" indicating 1 such instance.

5 points = "Yes" indicating 2 such instances.

0 points = "Yes" if more than 2 such instances.

If your firm's average gross revenues for the last 3 years were more than \$50 million:

10 points = "No" or "Yes" indicating 1, 2, or 3 such instances.

5 points = "Yes" indicating either 4 or 5 such instances.

0 points = "Yes" if more than 5 such instances.

6. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?

No Yes "No" = 5 points "Yes" = Subtract 10 points

If "yes," explain on a separate signed page: Identify person(s) involved, the name of the public agency, the date of the investigation and the grounds for the finding.

7. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

No Yes "No" = 5 points "Yes" = Subtract 10 points

If "yes," explain on a separate signed page: Identify person(s) involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

8. 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?

No Yes "No" = 5 points "Yes" = Subtract 10 points

If "yes," explain on a separate signed page: Identify the person(s) convicted, the court (the county, if a state court, the district or location of the federal court), the year and the criminal conduct.

9. Has any Architect or Engineer license held by an officer of the firm or anyone identified in Question 1 of Part I above been suspended within the last five years?

No Yes “No” = 5 points “Yes” = 0 points

If “yes,” explain on a separate signed sheet.

10. Has any disciplinary action been filed with a licensing board against an officer of the firm or anyone identified in Question 1 of Part I within the last five years?

No Yes “No” = 5 points “Yes” = 0 points

If “yes,” explain on a separate signed sheet.

EXECUTION

The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. 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.

Printed Name

Title

Signature

Designer Firm Name

End of Designer Questionnaire Form