

**REQUEST FOR PRE-QUALIFICATION OF
CONTRACTORS 7-1882**

FOR

**THE OC STREETCAR CONSTRUCTION
PROJECT**



ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Key Pre-Qualification Dates

Issue Date:	August 14, 2017
Informational Meeting Date:	August 28, 2017
Question Submittal Date:	September 5, 2017
Pre-qualification Package Submittal Date: (Requested Submittal Date)	October 2, 2017
Final Pre-qualification Package Submittal Deadline	October 31, 2017
Appeals Submission Deadline:	December 4, 2017

FEDERAL TRANSIT ADMINISTRATION FUNDED PROJECT

TABLE OF CONTENTS

SECTION I:	INSTRUCTIONS TO CONTRACTORS.....	1
SECTION II:	PRE-QUALIFICATION QUESTIONNAIRE.....	8
PART I:	ESSENTIAL REQUIREMENTS FOR QUALIFICATION.....	11
PART II:	INFORMATION REGARDING THE ORGANIZATION, HISTORY, PERFORMANCE, AND COMPLIANCE WITH CIVIL AND CRIMINAL LAWS.....	16
PART III:	COMPLETED VOLUME OF REQUIRED CRITERIA.....	27
PART IV:	PROJECT EXPERIENCE.....	39
SECTION III:	SCORING AND CONTRACTOR PRE- QUALIFICATION.....	44



NOTICE OF REQUEST FOR PRE-QUALIFICATION OF CONTRACTORS

(PRE-QUALIFICATION): 7-1882: "REQUEST FOR PRE-QUALIFICATION OF CONTRACTORS FOR THE OC STREETCAR CONSTRUCTION PROJECT"

TO: ALL CONTRACTORS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

Notice is hereby given that the Orange County Transportation Authority ("Authority") has determined that all contractors (prime contractors) bidding on the OC Streetcar Project ("Project") must be pre-qualified prior to submitting a bid on the Project.

Authority intends to use a two part source selection process:

- a) Issue a Pre-qualification questionnaire: This Request for Pre-qualification is issued as a first step to solicit information in the form of a completed questionnaire and supporting materials that Authority will score to determine which contractors are qualified to successfully deliver the Project.
- b) Invitation for Bids: Authority will issue an Invitation for Bids to only the pre-qualified pool of contractors, requesting submittals of sealed bids that Authority will evaluate to determine the lowest responsive, responsible bidder.

It is mandatory that all contractors who intend to submit a bid for the Project complete a Pre-qualification questionnaire, including but not limited to all materials requested herein (Pre-qualification package), and be deemed pre-qualified by the Authority to be on the approved list of contractors. Unless expressly stated in future Notice Inviting Bids, no bid will be accepted from any contractor that is not on the Authority's Pre-qualified list of Contractors for the Project.

Answers to questions contained in the Pre-qualification questionnaire, information about current bonding capacity, a notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, will be used by the Authority in order to rate contractors with respect to their qualifications to bid on the Project. The Authority reserves the right to check any other sources available to verify contractor's statements and prior performance. The Authority's decision will be based on objective scoring criteria.

The Authority reserves the right to adjust, increase, limit, suspend or rescind the Pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified and given an opportunity for an appeal consistent with the appeal procedures contained herein.

While the Pre-qualification process is intended to assist the Authority in determining contractor responsibility prior to bid and aid the Authority in selecting the lowest responsive, responsible contractor for construction of the Project, neither the fact of Pre-qualification, nor any Pre-qualification rating, will preclude the Authority from a post-bid consideration and determination of whether a contractor has the quality, capacity and experience to satisfactorily perform the proposed work.

The Pre-qualification packages submitted by contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for Pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

The contractor shall provide only complete and accurate information. The contractor acknowledges that the Authority is relying on the truth and accuracy of the responses contained herein. Each Pre-qualification package must include a signed affidavit, which shall be signed under penalty of perjury in the manner designated and by an individual who has the legal authority to bind the contractor. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify the Authority and provide updated accurate information in writing, under penalty of perjury. Should a contractor omit requested information or falsify information, the Authority may determine that contractor not prequalified.

The Pre-qualification package, its completion and submission by the contractor, and its use by the Authority, shall not give rise to any liability on the part of the Authority to the contractor or any third party or person. This is **not** a solicitation for bid. No guarantees are made or implied that any project will be constructed, either in part or whole. The contractor accepts all risk and cost associated with the completion of the Pre-qualification package without financial guarantee.

PROJECT DESCRIPTION

The Authority, in coordination with the City of Santa Ana and the City of Garden Grove, are implementing a new east-west double track modern streetcar in Orange County between the Santa Ana Regional Transportation Center

(SARTC) in the City of Santa Ana, and the Harbor Boulevard/Westminster Boulevard intersection in the City of Garden Grove. The purpose of the Project is to improve transit connectivity and accessibility, increase transit options, relieve congestion, and provide benefits to the traveling public.

The Authority has retained the services of HDR Engineering Inc., as the Project Management Consultants for overall project support; HNTB Corporation to provide Design Services and Design Support during construction and PGH Wong for Construction Management services for the project.

The Authority anticipates, subject to change in the Authority's sole discretion, the Project requiring Pre-qualification shall generally consist of the following:

The work to be done includes furnishing all necessary labor, equipment, and specified materials for construction of a new 4.15-route-mile (8.3-track-mile) modern streetcar line that will connect the Santa Ana Regional Transportation Center (SARTC) to Downtown Santa Ana and a new transportation hub located near the intersection of Harbor Boulevard and Westminster Avenue in the City of Garden Grove.

The alignment begins at SARTC on the west edge of the parking lot parallel to Santiago Street. The streetcar turns left on Santa Ana Boulevard and runs in the right lane of Santa Ana Boulevard using embedded block rail until reaching the Pacific Electric right-of-way (PE ROW) at Raitt Street, where the track becomes standard 115 lb T-rail on ties. The alignment crosses 5th Street and Fairview Street at-grade with railroad crossing gates. The alignment is elevated on a bridge structure over the Santa Ana River (to the north of the existing historic bridge) (a double-track, 3-span, 356-feet-long, precast, pre-stressed, concrete, Caltrans wide-flange girder bridge) and over Westminster Avenue (a double-track, 2-span, 231-feet-long, cast-in-place, post-tensioned, concrete box girder bridge), terminating on the east side of Harbor Boulevard. Track on structures and track from the Westminster Bridge to the west terminus is direct fixation. The return to SARTC is on a separate eastbound track parallel to the westbound track, with the exception of the downtown area where the eastbound track leaves Santa Ana Boulevard at Parton Street running for one-block on a pedestrian walkway south of Sasscer Park. At Ross Street, this alignment becomes 4th Street through the Downtown Commercial zone to Mortimer Street. Existing diagonal parking on the south side of 4th Street will be converted to parallel parking. At Mortimer Street, the eastbound alignment turns north for two blocks, and then turns east on Santa Ana Boulevard, rejoining the westbound alignment to the termination at SARTC. Track is included on Ross Street between 4th Street and Santa Ana Boulevard, and a crossover is included on between Mortimer and Minter to allow 4th Street to be bypassed and streetcars to be turned-back downtown.

There are ten streetcar stops in each direction (four shared center platforms and six-side platforms in each direction for a total of 16 platforms). Each stop includes a custom canopy shelter, benches, leaning rails, trash cans, lighting,

ticket vending machines (supplied separately), changeable message signs, video cameras, and a public address system. Platforms will be 14-inches high. A portion of the existing parking lot at the Santa Ana Regional Transportation Center (SARTC) will be reconfigured to accommodate the streetcar guideway and platform. 50 new off-street parking spaces will be constructed at the Harbor/Westminster (west terminal) stop.

Overhead Catenary System will be two-wire catenary in the PE ROW, and single-wire over streets. Four traction power substations of one megawatt (1-MW) rating are planned at the following four locations: in the PE ROW on the south side of Westminster Avenue, near the maintenance and storage facility, in City ROW at Parton Street on the north side of Santa Ana Boulevard, and on the north side of the parking structure at SARTC. An underground parallel feeder cable will be installed in street running segments. An underground fiber optic communications cable will be installed from SARTC to Harbor/Westminster. Communications between the maintenance Storage Facility (MSF) facility and Authority's Garden Grove Annex will be via a dedicated Microwave Communications Link. Central control functions will be duplicated at the MSF Facility and at OCTA's Garden Grove Annex, where OCTA's bus control center currently operates. Railroad signaling will be installed at the termini, at the yard connections, and at the two at-grade crossings. New traffic signals will be installed at Santa Ana Boulevard/French Street, 4th Street/Mortimer Street, Santa Ana Boulevard/Lacy Street, and Santa Ana Boulevard/Raitt Street. Existing traffic signals will be modified to provide clearance to the streetcar's overhead contact wire by shortening mast arms or adding signal heads and/or poles. Traffic signal priority will be provided at all traffic signals along the route.

A new MSF will be constructed to accommodate 8 modern streetcars (supplied separately), administration, operations, vehicle maintenance, parts storage, and maintenance of way. The facility will be located on a site bounded by 5th Street to the north, the PE ROW to the south, approximately 500 feet west of Raitt Street to the east, and approximately 1,000 feet west of Raitt Street to the west. The two-story MSF building with approximate dimensions of 260 feet by 140 feet, will have three service and inspection bays, two having under-car pits and roof level mezzanines. A pit for an in-ground wheel truing lathe will be provided at the front end of the third service bay which otherwise will have flush tracks and vehicle lifting jacks. A fourth service track will be installed in the MSF facility, but used initially for maintenance of way. Secured exterior vehicle storage, including a wye-track for turning vehicles end-for-end, a free-standing drive-through streetcar wash, employee parking, and fire and delivery access will also be included on-site.

The construction cost of the Project is approximately \$150,000,000 (All references to "\$" should be taken to mean United States Dollars).

ANTICIPATED SCHEDULE

The anticipated Pre-qualification schedule is summarized as follows:

Date	Milestone
August 14, 2017	The Authority issues request for Pre-qualification from contractors.
August 28, 2017	Informational Meeting
September 5, 2017	Deadline for submitting questions.
September 12, 2017	Authority's response to questions due.
October 2, 2017	Requested submittal date
October 31, 2017	Final submittal deadline
December 4, 2017	Last day for contractors to appeal the Authority's decision with respect to Pre-qualification ratings and to deliver notice of appeal to the Authority.
December 18, 2017	Last day for appeals to be heard by the Authority.

The Authority expects to release the Invitation for Bids for the construction project on October 23, 2017.

The Authority may refuse to grant Pre-qualification where the requested information and materials are not provided by October 31, 2017. There is no appeal from a refusal for an incomplete or late application. The closing time for construction bids will not be changed in order to accommodate supplementation of incomplete submissions or late submissions on part of the Contractor.

The Authority has established the last day for the receipt of a Pre-qualification package in the Authority's office is no later than October 31, 2017.

Pre-qualification delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Robert Webb, Senior Contract Administrator**

Pre-qualification delivered using the U.S. Postal Service shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management
P.O. Box 14184
Orange, California 92863-1584
Attention: Robert Webb, Senior Contract Administrator**

Pre-qualification and amendments to Pre-qualification received after the date and time specified above will have no guarantee of timely review and determination of eligibility to participate in the construction solicitation.

Firms interested in obtaining a copy of this Request for Pre-qualification may do so by downloading the questionnaire from CAMM NET at <https://cammnet.octa.net>.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. Registration to CAMM NET will enable contractors to receive notifications of any updates or new documents uploaded to CAMM NET. The website can be found at <https://cammnet.octa.net>. From the site menu click on CAMM NET to register.

To receive all further information regarding this Pre-qualification 7-1882, firms and sub-contractors must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:
Construction

Commodity:
Construction (General)
Construction - Design/Build
General Contractor

An Informational meeting will be held on August 28, 2017, at 2:00 p.m. at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 09. All prospective Contractors are encouraged to attend the Informational meeting.

Contractors are encouraged to subcontract with small businesses to the maximum extent possible.

All Contractors will be required to comply with all applicable equal opportunity laws and regulations.

The construction contract for the OC Streetcar project is subject to receipt of federal, state and/or local funds adequate to carry out the construction activities.

DRAFT

SECTION I: INSTRUCTIONS TO CONTRACTORS

SECTION I. INSTRUCTIONS TO CONTRACTORS

A. INFORMATIONAL MEETING

An Informational meeting will be held on August 28, 2017 at 2:00 pm. at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 09. All prospective Contractors are encouraged to attend the Informational meeting.

B. EXAMINATION OF PRE-QUALIFICATION PACKAGE DOCUMENTS

By submitting a Pre-qualification package, Contractor represents that it has thoroughly examined and become familiar with the work required under this Pre-qualification and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the Pre-qualification documents. Any Authority changes to the requirements will be made by written addendum to this Pre-qualification. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this Pre-qualification as the result of oral instructions. Any information provided to any contractor concerning this solicitation will be furnished to all contractors on CAMM NET.

D. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this Pre-qualification are to be directed to the following Contract Administrator:

Robert Webb, Senior Contract Administrator
Contracts Administration and Materials Management Department
600 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
Phone: 714.560. 5743, Fax: 714.560.5792
Email: rwebb@octa.net

Commencing on the date of the issuance of this Pre-qualification and continuing until selection or cancellation of this pre-qualification, no proposer, subcontractor, lobbyist or agent hired by the proposer shall have any contact or communications regarding this Pre-qualification with any Authority's staff; member of the evaluation committee for this Pre-qualification; or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this Pre-qualification. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any proposer, subcontractor, lobbyist or agent hired by contractor that engages in such prohibited

REQUEST FOR PRE-QUALIFICATION 7-1882

communications may result in disqualification of the proposer at the sole discretion of the Authority.

E. CLARIFICATIONS

1. Examination of Documents

Should a Contractor require clarifications of this Pre-qualification, the Contractor shall notify the Authority in writing in accordance with Section D.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this Pre-qualification.

2. Submitting Requests

- a. All questions related to the Pre-qualification materials, including questions that could not be specifically answered at the Informational meeting conference must be put in writing and must be received by the Authority no later than 5:00 p.m., on September 5, 2017.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions". The Authority is not responsible for failure to respond to a request that has not been labeled as such.
- c. Any of the following methods of delivering written questions are acceptable as long as the questions are received no later than the date and time specified above:
 - (1) U.S. Mail: Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584.
 - (2) Personal Delivery: Contracts Administration and Materials Management Department, 600 South Main Street, Lobby Receptionist, Orange, California 92868.
 - (3) Facsimile: (714) 560-5792.
 - (4) Email: rwebb@octa.net (preferred)

3. Authority Responses

Responses from the Authority will be posted on CAMM NET, no later than September 12, 2017. Contractor may download responses from CAMM NET at <https://cammnet.octa.net>, or request responses be sent via U.S. Mail by emailing or faxing the request to Robert Webb.

To receive email notification of Authority responses when they are posted on CAMM NET, firms and subcontractors must be registered on CAMM

REQUEST FOR PRE-QUALIFICATION 7-1882

NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:
Construction

Commodity:
Construction (General)
Construction - Design/Build
General Contractor

Inquiries received after 5:00 p.m. on October 31, 2017, will not be responded to.

F. SUBMISSION OF PRE-QUALIFICATION PACKAGE

1. Date and Time

Pre-qualification must be received in the Authority's office at or before 2:00 p.m. on October 2, 2017, but no later than October 31, 2017 to be considered for pre-qualification. The Authority cannot guarantee that the pre-qualification package submitted after October 31, 2017 will be reviewed in time for Contractor to participate in the bidding process. Contractors are encouraged to submit Prequalification packages as soon as possible so they may be notified of any omissions.

Each Pre-qualification package must be completed with all information requested and be signed under penalty of perjury by an individual who has the legal authority to bind the contractor on whose behalf that person is signing.

The Authority may refuse to grant Pre-qualification where the requested information and materials are not provided, or not provided by October 31, 2017. There is no appeal from a refusal for an incomplete or late application. **The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions or late submissions.**

2. Address

Pre-qualification delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Robert Webb, Senior Contract Administrator**

Or Pre-qualification delivered using the U.S. Postal Services shall be addressed as follows:

REQUEST FOR PRE-QUALIFICATION 7-1882

**Orange County Transportation Authority
Contracts Administration and Materials Management (Camm)
P.O. Box 14184
Orange, California 92863-1584
Attention: Robert Webb, Senior Contract Administrator**

3. Identification of Pre-qualification

Contractor shall submit an **original and 5 copies** of its Pre-qualification package in a sealed package marked "Confidential", addressed as shown above in F.2. The outer envelope must show the Contractor's name and address and clearly marked with the Pre-qualification number. In addition to the above, Contractors shall also include one (1) electronic copy of their entire Pre-qualification submittal package in "PDF" format, on a CD, DVD, or flash drive.

4. Acceptance of Pre-Qualification

- a. The Authority reserves the right to accept or reject any and all Pre-qualification packages, or any item or part thereof, or to waive any minor informalities or irregularities in a Pre-qualification package.
- b. The Authority reserves the right to withdraw or cancel this Request for Pre-qualification at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Contractor responding to this Request for Pre-qualification.
- c. The Authority reserves the right to issue a new Request for Pre-qualification for the project.
- d. The Authority reserves the right to postpone the Pre-qualification process for its own convenience.
- e. The Authority reserves the right to investigate the qualification of any Contractor, and/or require additional evidence of qualifications to perform the work.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Contractor in the preparation of its Pre-qualification package. Contractor shall not include any such expenses as part of its Pre-qualification package.

REQUEST FOR PRE-QUALIFICATION 7-1882

Pre-contractual expenses are defined as expenses incurred by Contractor in:

1. Preparing its Pre-qualification package in response to this Request for Pre-qualification;
2. Submitting that Pre-qualification package to the Authority;
3. Any other expenses incurred by Contractor prior to issuance of the IFB.

H. JOINT OFFERS

If two or more business entities expect to submit a bid as part of a Joint Venture (JV), each entity within the JV must submit a fully complete Pre-qualification package and be separately qualified to bid. The JV must be properly licensed by the California Contractor's State Licensing Board prior to submission of a bid on the Project.

I. APPEALS FOR DENIAL OF PRE-QUALIFICATION

Any appeal filed by a Contractor in connection with this Pre-qualification must be submitted in accordance with the Authority's written procedures outlined in Section III.D of this Request for Pre-qualification.

J. CONFLICT OF INTEREST

All Contractors responding to this Request for Pre-qualification must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, a Contractor is unable, or potentially unable to render impartial assistance or advice to the Authority; a Contractor's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or a Contractor has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Contractor's Pre-qualification package.

All Contractors must disclose in their Pre-qualification package and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

A Contractor hired to perform services for the Authority is prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

K. CODE OF CONDUCT

All Contractors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Contractors agree to include these requirements in all of their subcontracts, if awarded the contract.

L. DISADVANTAGED BUSINESS ENTERPRISE

By submitting this Pre-qualification package, Contractor acknowledges that it will be required to comply with the Disadvantaged Business Enterprise participation goal to be assessed for the resulting construction bid.

DRAFT

SECTION II: PRE-QUALIFICATION QUESTIONNAIRE

SECTION II. PRE-QUALIFICATION QUESTIONNAIRE

Except where information related to former entities is expressly required herein, for purposes of evaluation, scoring and Pre-qualification, all required contractor's information, including but not limited to experience, personnel and finances, must be provided for the entity holding the contractor's license. Information related to parent companies, subsidiaries, and any other related entity or proposed subcontractors will not be considered.

The Pre-qualification of contractors will be determined by evaluation of the information submitted by contractors. The Authority may verify any or all information provided in completed Pre-qualification package, consider information provided by sources other than the contractor, and conduct such investigations as the Authority deems appropriate to assist in the evaluation of a contractor's responsibility, qualifications, and financial capacity.

If a contractor seeking Pre-qualification has not been in business for the time period for which information is requested, it shall submit information on predecessor entities covering that time period.

By submitting a completed Pre-qualification Package, the contractor waives any and all objections to the form and content of the Pre-qualification package, or the evaluation criteria. Attach additional sheets as needed to provide complete responses.

**PRE-QUALIFICATION OF CONTRACTORS
FOR THE OC STREETCAR CONSTRUCTION PROJECT**

PRE-QUALIFICATION QUESTIONNAIRE

CONTACT INFORMATION:

Full Name of Contractor (as it appears on license): _____

Type of Organization (Corporation, Partnership, Sole Proprietor, Joint Venture, etc.): _____

Corporate Tax Identification Number: _____

Is the corporation currently registered and in good standing with the State of California
Secretary of State? _____

Street Address of Contractor: _____

Contractor's Contact Person: _____

Phone: _____ Fax: _____

Email Address: _____

If Contractor is a sole proprietor or partnership:

Owner(s) of Company: _____

Contractor's License Number(s): _____

**THIS PAGE IS SUBJECT TO DISCLOSURE
TO THIRD PARTIES**

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

An answer of “no” to any of the Questions 1 through 6 will be rated a “Fail” and the contractor will be immediately disqualified.

An answer of “yes” to any of the Questions 7 through 10 below will be rated a “Fail” and the contractor will be immediately disqualified.

1. Contractor possesses valid and current California Contractor’s license (Class A General Engineering).

☐ Yes ☐ No

2. Contractor will comply with and provide all insurance as defined below

The policies noted below should be written on a project specific basis. All limits are minimum limits:

Commercial General Liability	\$5 Million
Excess/Umbrella	\$20 Million
Commercial Automobile	\$1Million Primary Coverage with coverage scheduled under the Excess/Umbrella
Workers Compensation	Statutory Limits with a waiver of subrogation favorable to OCTA/Other project stakeholders
Employer’s Liability	\$1Million
Professional Liability	\$10Million/\$10Million Aggregate
Builders Risk	Cost of Construction: Policy to be written with valuation on replacement cost basis, based upon the total value of the contract
Environmental Liability	\$25 Million
Commercial Crime	\$5 Million (Policy to provide client coverage/third party coverage)
Cyber Liability	\$1 Million

☐ Yes ☐ No

NOTE: Contractor shall furnish a statement from the contractor’s insurance broker showing the contractor’s ability to provide the insurance stated above. The contractor will be required to provide insurance as provided for in the Invitation for Bids upon actual bid and award.

3. The contractor has attached, within a separate sealed envelope marked as indicated below, the latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.

☐ Yes ☐ No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only and is not a substitute for the required financial statement.

The separate sealed envelope shall be marked as follows:
Proprietary – Not For Public Disclosure
Financial Statement of _____ [Contractor's Name] _____
Pre-qualification for Approved Bidders List for OC Streetcar

4. Has the contractor 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 your current available bonding capacity?

☐ Yes ☐ No

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

5. Contractor, acting in the capacity of prime contractor, and/or its designated subcontractor(s), has performed at least \$200 million in construction volume on no more than ten (10) Rail Projects (for purposes of calculating construction volume), one of which must have a contract value of at least \$50 million, completed since January 1, 2007.

For purposes of this question, a qualifying "Rail Project" is defined as a construction project requiring the installation of Trackwork, Overhead Catenary System (OCS), Station Canopies, and Bridges, as defined below, as part of the contractor's contract.

- i. Trackwork:
 - a. Construction of at least three projects that included construction of at least one mile of embedded track.
- ii. Overhead Catenary System ("OCS")
 - a. Construction of at least three projects that included at least one mile of new OCS construction work.
- iii. Station Canopies
 - a. Construction of at least three projects that included at least 5 custom exterior transit shelters using a glass panel roof.
- iv. Bridges
 - a. Construction of at least three rail bridges that included at least 5 cast-in-drilled hole piles of 3 to 10 foot diameter, at least 80 feet long, in sandy, collapsible soil, with groundwater, that

passed gamma-gamma inspections without anomalies, placed within tolerance.

Contractor's construction experience must include each of the above requirements ("Required Criteria"). Specially, Contractor must be able to demonstrate experience in at least three Trackwork Projects, OCS Projects, Station Canopy Projects, and Bridge Projects which meet the Required Criteria for qualifying Rail Projects. Contractor must also include enough projects, but no more than 10, which total at least \$200 million completed volume.

☐ Yes ☐ No

NOTE: Contractor must provide supporting project information in Part III. Failure to provide the necessary information in Part III will result in a "No" response to this question. Contractor must demonstrate satisfaction of the Required Criteria through:

- work as a prime contractor involving at least two of the four required elements in section (i) through (iv) above; or
- work as a subcontractor self-performing at least two of the four required elements in section (i) through (iv) above.

If Contractor is designating a third party subcontractor to meet one or more of the required elements in section (i) through (iv) above, then Contractor may, but is not required to, submit project information for multiple subcontractors so as to give Contractor greater flexibility during the Invitation for Bid process. Designation of a specific subcontractor for pre-qualification is only required if Contractor cannot meet the Required Criteria through its own project experience.

Bids on the OC Streetcar Project will only be accepted from a Contractor who has been successfully pre-qualified, whether as a stand-alone general contractor, or in combination with specific subcontractors designated during this pre-qualification process.

If contractor designates a subcontractor to establish Required Criteria experience requirements for this question or for Part III, Section A of this Prequalification Package, then contractor must also include a completed Part IV-A and Part IV-B for the designated subcontractor(s) with its Prequalification Package.

6. Contractor and/or its designated subcontractor(s) have a superintendent or foreman, or a team of superintendent/foremen, who will be assigned to the Authority with at least ten (10) years of experience and who has successfully completed at least one (1) Rail Project of at least \$30 million in the Trackwork, OCS, Station Canopy and Bridge sections of the Required Criteria completed since January 1, 2007. The designated superintendents or foremen must collectively have experience with the full Required Criteria.

☐ Yes ☐ No

NOTE: Contractor must provide supporting information in Part III. Failure to provide the necessary information in Part III will result in a “No” response to this question. If Contractor is designating a subcontractor to meet one or more of the required elements in section (i) through (iv) above, then Contractor may, but is not required to, submit superintendent/foreman information for multiple subcontractors so as to give Contractor greater flexibility during the Invitation for Bid process. Designation of a specific subcontractor’s superintendent/foreman for Pre-qualification is only required if Contractor cannot meet the Required Criteria through its own project experience or its own superintendent/foreman’s experience.

Bids on the OC Streetcar Project will only be accepted from a Contractor who has been successfully pre-qualified, whether as a stand-alone general contractor, or in combination with specific subcontractors designated during this Pre-qualification process.

7. Has the contractor’s license been revoked at any time in the last five years?

☐ Yes ☐ No

8. Has a surety firm completed a contract on the contractor’s behalf, or paid for completion because the contractor was terminated for default by the project owner within the last five (5) years?

☐ Yes ☐ No

9. At the time of submitting this Pre-qualification form, is the contractor ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code Section 1777.7, or any other federal, state, county, municipal or other local law providing for the debarment of contractors from public works?

☐ Yes ☐ No

If the answer is “Yes,” state the beginning and ending dates of the period of debarment:

10. At any time during the last five years, has the contractor, 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?

☐ Yes ☐ No

END OF PART I

DRAFT

PART II. INFORMATION REGARDING THE ORGANIZATION, HISTORY, PERFORMANCE, AND COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

For Contractors That Are Corporations:

1a. Date incorporated: _____

1b. Under the laws of what state: _____

1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent of the corporation's stock.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction, equipment manufacturer, or material supply firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

Person's Name	Name of Company	Dates of Person's Participation with Company

For Contractors That Are Partnerships:

1a. Date of formation: _____

1b. Under the laws of what state: _____

- 1c. Provide all the following information for each partner who owns ten percent or more of the firm.

Name	Position	Years with Co.	% Ownership

- 1d. Identify every construction, equipment manufacturer, or material supply company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

Person's Name	Name of Company	Dates of Person's Participation with Company

For Contractors That Are Sole Proprietorships:

- 1a. Date of commencement of business: _____
- 1b. Social Security Number of Company Owner: _____
- 1c. Identify every construction, equipment manufacturer, or material supply firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.

Person's Name	Name of Company	Dates of Person's Participation with Company

For Contractors That Intend to Make a Bid as Part of a Joint Venture:

- 1a. Date of commencement of Joint Venture: _____
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of Firm	% Ownership of Joint Venture

B. History of the Business and Organizational Performance

2. Has there been any change in ownership of the contractor at any time during the last three years?

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

3. Is the contractor a subsidiary, parent, holding company or affiliate of another construction, equipment manufacturer, or material supply firm?

NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of the contractor holds a similar position in another firm.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

4. Are any corporate officers, partners or owners connected to any other construction, equipment manufacturer, or material supply firms.

NOTE: Include information about other firms if an owner, partner, or officer of the contractor holds a similar position in another firm.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

5. State the contractor's gross revenues for each of the last three years:

2016: _____

2015: _____

2014: _____

6. How many years has the contractor been in business in California as a contractor under the contractor's present business name and license number?

_____ years

7. Is the contractor currently the debtor in a bankruptcy case?

☐ Yes ☐ No

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

8. Was the Contractor in bankruptcy at any time during the last five years? This question refers only to a bankruptcy action that was not described in answer to question 7, above.

☐ Yes ☐ No

If "yes," please 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.

C. Licenses

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by the contractor. At a minimum, contractors shall possess a valid Class A – General Engineering Contractors License to be considered. _____

10. If any of the contractor's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the California Contractors License Board records who meet(s) the experience and examination requirements for each license. _____
- _____
- _____

11. Has the contractor changed names or license number in the past five years?

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

12. Has any owner, partner or (for corporations) officer of the contractor operated a construction, equipment manufacturer, or material supply firm under any other name in the last five years?

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

13. Has any CSLB license held by the contractor or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended or revoked within the last five years?

☐ Yes ☐ No

If "yes," please explain on a separate signed sheet.

D. Disputes

14. At any time in the last five years has the contractor been assessed liquidated damages under a construction contract with either a public or private owner?

☐ Yes ☐ No

If yes, explain on a separate signed page, identifying 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.

15. In the last five years has the contractor (or any firm with which any of the Contractor's owners, officers or partners was associated with), been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: For purposes of this question "associated with" refers to another construction firm in which an owner, partner or officer of the contractor held a similar position, and which is listed in response to Question 1 of Part II.

☐ Yes ☐ No

If "yes," explain on a separate signed page. State whether the contractor involved was the contractor applying for Pre-qualification here or another firm. Identify by

name of the company, the name of the person within the contractor who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

16. In the last five years has the contractor been denied an award of a public works contract based on a finding by a public agency that the contractor was not a responsible bidder?

☐ Yes ☐ No

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.

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$500,000.

17. In the past five years has any claim against the contractor concerning the contractor's performance of a construction project been filed in court or arbitration?

☐ Yes ☐ No

If "yes," 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 "yes", are there any current claims against the contractor that should you lose the claim(s), would adversely affect the contractor's financial position or the contractor's ability to meet the contractor's obligations if awarded the contract for this project? If so, please explain.

18. In the past five years has the contractor 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?

☐ Yes ☐ No

If "yes," 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 "yes", are there any current claims against a project owner that should the contractor lose the claim(s), would adversely affect the contractor's financial position or the contractor's ability to meet the contractor's obligations if awarded the contract for this project? If so, please explain.

19. At any time during the past five years, has any surety company made any payments on the contractor's behalf to satisfy any claims made against a performance or payment bond issued on the contractor's behalf, in connection with a construction project, either public or private?

☐ Yes ☐ No

If "yes," explain on a separate signed page 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.

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for the contractor?

☐ Yes ☐ No

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

E. Criminal Matters and Related Civil Suits

21. Has the contractor 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?

☐ Yes ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

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

☐ Yes ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

23. Has the contractor 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," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

F. Bonding

24. Bonding capacity: Provide documentation from the contractor's surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number: _____

25. If the contractor was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which the contractor worked at any time during the last three years, state the percentage that the contractor was required to pay. The contractor may provide an explanation for a percentage rate higher than one percent, if the contractor wishes to do so. _____

26. List all other sureties (name and full address) that have written bonds for the contractor during the last five years, including the dates during which each wrote the bonds: _____

27. During the last five years, has the contractor ever been denied bond coverage by a surety company, or has there ever been a period of time when the contractor had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If yes, provide details on a separate signed sheet indicating the date when the contractor was denied coverage and the name of the company or companies which denied coverage; and the period during which the contractor had no surety bond in place.

G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. Has CAL OSHA cited and assessed penalties against the contractor for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years? 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.

☐ Yes ☐ No

If "yes," attach a separate signed page describing 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, and 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.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against the contractor in the past five years? NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if

there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

30. As a result of the contractor's actions or inactions, has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either the contractor or the owner of a project on which the contractor was the contractor, in the past five years? NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

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

32. Experience Modification Rate (EMR): Please obtain a letter from the contractor's insurance carrier (or state fund if applicable) with the contractor's interstate EMR's for the Year 2016, Year 2015, and Year 2014. If the contractor does not have an interstate rating, obtain the contractor's intrastate EMR's. Attach the letter as part of this package. The contractor shall list the Experience Modification Rate (available from the contractor's insurance carrier) below.

<u>Year</u>	<u>EMR</u>
2016	_____
2015	_____
2014	_____

Three Year Average = _____

Are the above rates interstate or intrastate? _____

NOTE: Any of the following methods of "obtaining a letter" are acceptable:

- (1) Furnish a letter from the contractor's insurance agent, insurance carrier or state fund (on their letterhead) verifying the EMR data listed above; or
- (2) Furnish a photocopy of the applicable Experience Rating Calculation Sheets, which the contractor's insurance carrier should forward to the contractor annually.

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

☐ Yes ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "no," please provide a statement by the contractor's current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If the contractor has been in the construction business for less than five years, provide a statement by the contractor's workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that the contractor has been in the construction business.)

34. Incident Rates: Provide a copy of Contractor incident rates for the past 3 years (2014 – 2016), segregating OSHA Recordable injuries/illnesses and days away from work (lost time) injuries/illnesses.

<u>Year</u>	<u>OSHA Recordable Rate</u>	<u>Days Away / Lost Time Rate</u>
2016	_____	_____
2015	_____	_____
2014	_____	_____
Three Year Average	_____	_____

35. Fatal Injuries/Illnesses: During the past 5 years, has the Contractor experienced an employee or sub-tier contractor fatality on a project controlled by the Contractor?

If "yes", attach a separate signed page describing each fatality

36. Does the Contractor have all the regulatory required health, safety and environmental compliance written policies/plans in accordance with all State and Federal OSHA and EPA agencies.

☐ Yes ☐ No

If "no", please describe the deficiencies and provide information on how the Contractor will obtain compliance prior to contract award and/or Notice to Proceed (NTP).

H. Prevailing Wage and Apprenticeship Compliance Record

37. Has there been more than one occasion during the last five years in which the contractor was required to pay either back wages or penalties for the contractor's own firm's failure to comply with California's prevailing wage laws?

NOTE: This question refers only to the contractor's own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

☐ Yes ☐ No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying 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 the contractor was required to pay.

38. During the last five years, has there been more than one occasion in which the contractor's own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

☐ Yes ☐ No

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying 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 the contractor was required to pay along with the amount of any penalty paid.

39. Provide the name, address, and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the Authority.

40. If your firm operates its own California-approved apprenticeship program:

- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
- (b) State the year in which each apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past 3 years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

41. At any time during the last five years, has the contractor been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works? NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

☐ Yes ☐ No

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

END OF PART II

PART III. COMPLETED VOLUME OF REQUIRED CRITERIA

A. Project Experience

Part I, Question 5 requires a “yes” response to the following:

Contractor, acting in the capacity of prime contractor, and/or its designated subcontractor(s), has performed at least \$200 million in construction volume on no more than ten (10) Rail Projects (for purposes of calculating construction volume), one of which must have a contract value of at least \$50 million, completed since January 1, 2007.

For purposes of this question, a qualifying “Rail Project” is defined as a construction project requiring the installation of Sitework, Trackwork, Overhead Catenary System (OCS) and/or Railroad Signaling, as defined below, as part of the contractor’s contract.

- i. Trackwork:
 - a. Construction of at least three projects that included construction of at least one mile of embedded track.
- ii. Overhead Catenary System (“OCS”)
 - a. Construction of at least three projects that included at least one mile of new OCS construction work.
- iii. Station Canopies
 - a. Construction of at least three projects that included at least 5 custom exterior transit shelters using a glass panel roof.
- iv. Bridges
 - a. Construction of at least three rail bridges that included at least 5 cast-in-drilled hole piles of 3 to 10 foot diameter, at least 80 feet long, in sandy, collapsible soil, with groundwater, that passed gamma-gamma inspections without anomalies, placed within tolerance.

Contractor’s construction experience must include each of the above requirements (“Required Criteria”). Specially, Contractor must be able to demonstrate experience in at least three Trackwork Projects, OCS Projects, Stationary Canopy Projects and Bridge Projects which meet the Required Criteria for qualifying Rail Projects. Contractor must also include enough projects, but no more than 10, which total at least \$200 million completed volume.

☐ Yes ☐ No

NOTE: Contractor must provide supporting project information in Part III. Failure to provide the necessary information in Part III will result in a “No” response to this question. Contractor must demonstrate satisfaction of the Required Criteria through:

- work as a prime contractor involving at least two of the four required elements in section (i) through (iv) above; or
- work as a subcontractor self-performing at least two of the four required elements in section (i) through (iv) above.

If Contractor is designating a third party subcontractor to meet one or more of the required elements in section (i) through (iv) above, then Contractor may, but is not required to, submit project information for multiple subcontractors so as to give Contractor greater flexibility during the Invitation for Bid process. Designation of a specific subcontractor for Pre-qualification is only required if Contractor cannot meet the Required Criteria through its own project experience.

Bids on the OC Streetcar Project will only be accepted from a Contractor who has been successfully pre-qualified, whether as a stand-alone general contractor, or in combination with specific subcontractors designated during this Pre-qualification process.

The below information shall be used by the Authority to contact the Owner, or its representative, as applicable, on each of the below-listed projects to confirm that the Required Criteria have been met.

If additional sheets are needed, please make copies.

Project # 1 Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Construction Time: _____ Calendar Days

Date of Completion: _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Project # 2 Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Construction Time: _____ Calendar Days

Date of Completion: _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Project # 3 Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Construction Time: _____ Calendar Days

Date of Completion: _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Project # 4 Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Construction Time: _____ Calendar Days

Date of Completion: _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Project # 5 Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Construction Time: _____ Calendar Days

Date of Completion: _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

B. Superintendent/Foremen Experience

Name below the superintendent(s) or foreman(men) who will be assigned to the Authority with at least ten (10) years of experience and who have successfully completed at least one (1) Rail Project which have a total volume of at least at \$30 million, completed since January 1, 2007.

Contractor's and/or its designated subcontractor(s)'s designated superintendent or foreman, or team of superintendent/foremen, must have experience with each Required Criteria as defined under Part I, Question 5 and Part III, Section A of this Pre-qualification Package. Contractors may submit one alternate name in the event the first named person is not available. Experience in projects satisfying the Required Criteria of the alternate shall be provided on copies of this section. Provide resume, attached to the Pre-qualification Package, for the named Superintendent/Foreman and alternate.

	Superintendent/Foreman	Alternate
TRACKWORK		
Name of Superintendent or Foreman		
Contractor or Subcontractor employer		
Number of Years of Total Construction Experience as Superintendent or Foreman on Rail Projects with Trackwork		
Number of Years as a Superintendent or Foreman for Your Company/Subcontractor.		
Name of Rail Project(s)/Trackwork satisfying the Required Criteria where the individuals named above held the position of Superintendent or Foreman.*		

OCS WORK		
Name of Superintendent or Foreman		
Contractor or Subcontractor employer		
Number of Years of Total Construction Experience as Superintendent or Foreman on Rail Projects with OCS Work.		
Number of Years as a Superintendent or Foreman for Your Company/Subcontractor.		

Name of Rail Project(s)/OCS Work satisfying the Required Criteria where the individuals named above held the position of Superintendent or Foreman. *		
STATION CANOPY WORK Name of Superintendent or Foreman		
Contractor or Subcontractor employer		
Number of Years of Total Construction Experience as Superintendent or Foreman on Rail Projects with Station Canopy Work.		
Number of Years as a Superintendent or Foreman for Your Company/Subcontractor.		
Name of Rail Project(s)/Station Canopy Work satisfying the Required Criteria where the individuals named above held the position of Superintendent or Foreman.*		
BRIDGE WORK Name of Superintendent or Foreman		
Contractor or Subcontractor Employer		
Number of Years of Total Construction Experience as a Superintendent of Foreman on Rail Projects with CIDH Pile Work		
Number of Years as a Superintendent or Foreman for Your Company/Subcontractor		

Name of Rail Project(s)/ CIDH Pile Work Satisfying the Required Criteria where the individuals named above held the position of Superintendent or Foreman.*		
---	--	--

*Attach project reference sheets (copy additional pages as needed) on next page.

NOTE: If Contractor is designating a subcontractor to meet one or more of the required elements in section (i) through (iv) above, then Contractor may, but is not required to, submit superintendent/foreman information for multiple subcontractors so as to give Contractor greater flexibility during the Invitation for Bid process. Designation of a specific subcontractor's superintendent/foreman for Pre-qualification is only required if Contractor cannot meet the Required Criteria through its own project experience or its own superintendent/foreman's experience.

Bids on the OC Streetcar Project will only be accepted from a Contractor who has been successfully pre-qualified, whether as a stand-alone general contractor, or in combination with specific subcontractors designated during this Pre-qualification process. Designated subcontractors must be utilized by Contractor in its bid.

Superintendent or Foreman Project # 1 Name: _____

Superintendent or Foreman Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

Date of Completion: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Superintendent or Foreman Project # 2 Name: _____

Superintendent or Foreman Name: _____

Owner: _____

Construction Bid Cost: \$ _____

Final Construction Cost: \$ _____

Owner's Representative: _____

Owner's Representative Telephone No.: _____

Owner's Representative Email: _____

Designer: _____

Designer's Telephone No.: _____

Designer's Representative Email: _____

On-Site Construction Manager: _____

On-Site Construction Manager's Telephone No.: _____

On-Site Construction Manager's Email: _____

Date of Completion: _____

The Authority's Required Criteria Included in Project: _____

Specific Project Characteristics:

Type/size of Rail Project: _____

Trackwork Description: _____

OCS Work Description: _____

Station Canopy Work Description: _____

Bridge Work Description: _____

Note: If a contractor elects to name an alternate Superintendent or Foreman, the contractor must complete and submit another experience form for that individual with this Pre-qualification Package.

END OF PART III

DRAFT

PART II. PROJECT EXPERIENCE

A. Current Status of Open Construction Projects

Complete the following form (make copies as required) for all open contracts valued at \$500,000 or more. Complete a separate chart for Contractor and each of its designated Subcontractors (if subcontractors are included to establish Required Criteria experience requirements in Part I, Question 5 and Part III, Section A of this Pre-qualification Package).

Project Name & Type of Work	Owner Name	Owner Representative		Original Contract Value	Estimated Contract Completion Value (incl. change orders to date)	Percent Currently Complete	Original Completion Date	Estimated Completion Date
		Name	Phone No.					

B. Recent Construction Projects Completed

Complete the following form (make copies as required) for all contracts valued at \$500,000 or more that were completed within the past five years. Complete a separate chart for Contractor and each of its designated Subcontractors (if subcontractors are included to establish required criteria experience requirements in Part I, Question 5 and Part III, Section A of this Pre-qualification Package).

Project Name & Type of Work	Owner Name	Owner Representative		Original Contract Value	Contract Completion Value (incl. change orders to date)	Original Completion Date	Final Completion Date
		Name	Phone No.				

C. Project Experience –Reference Checks

The following questions will be used for reference checks on randomly selected contacts from at least two (2) completed projects. The contractor shall provide additional references upon request of the Authority. The Authority will conduct the reference checks. No action on the contractor's part is necessary. These questions are included in the package to the contractor for information only.

The highest possible score is 130 points per project. An average score of 95 or higher for two (2) projects is required for Pre-qualification. An average score of less than 80 points on the projects will automatically disqualify a contractor. If the average score is between 80 to 94, the Authority will conduct two (2) additional reference checks of other references to obtain two (2) additional scores. If the average score of the two (2) additional reference checks is less than 95, the contractor will be automatically disqualified.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion have been recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points).
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and change order paperwork, including certified payroll, submittals and schedule updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your agency approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "yes")

Or, if the answer is "no", on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (For example: 1 if the contractor was completely responsible or 10 if the contractor was not responsible at all)?

8. On a scale of 1-10, with 10 being the best, rate the contractor on the contractor's proactivity in identifying change order work and the contractor's timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)

9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued and how well the contractor integrated the change order work into existing work. (Max. 10 points)
10. On a scale of 1-10, with 10 being the best, rate how the contractor performed in turning in Operations & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims or disputes (with your agency or subcontractors or vendors), given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the best, rate the contractor with respect to timely payments by the Contractor to subcontractors and suppliers. (If the person being providing the reference check knows of no such difficulties, the score on this question should be 10.)
13. On a scale of 1-10, with 10 being the best, rate the contractor with respect to safety. Was shoring provided properly, were lock / out tag out procedures followed, did the contractor provide routine safety training? (Max. 10 points)
14. On a scale of 1-10, with 10 being the best, how would you rate the overall quality of the contractor's work and the contractor's ability to work cooperatively? (Max. 10 points)

END PART IV

AFFIDAVIT

We, the undersigned, _____ (name) as the authorized representatives for _____ (company) an interested contractor for the Orange County Transportation Authority's Pre-Qualified Contractors List for the OC Streetcar Project (Request for Pre-Qualification 7-1882), do hereby attest that all statements and representations made herein are true and correct to the best of our knowledge. These statements are made openly and freely without intent to influence or embellish actual conditions or circumstances that occurred. I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

We acknowledge that we have received Addendum _____ through _____.

We understand that the Authority will investigate any and all statements and representations made by us and our firm in response to Request for Pre-qualification and we freely give our permission for them to do so. Should releases be required by any of our professional, financial, or bonding institutions to release verification of the enclosed data, we have provided them. We agree to waive any claims against the Authority, its Construction Manager, Design Engineer and/or any third party designated by the Authority for the release of the information necessary to evaluate this Request for pre-qualification.

We further understand that any false statement or representations made in this application will result in disqualification of our firm as a bidder for any Project. If it is determined that these false statements or representations were purposefully made to change, hide, or obscure negative information from the Authority in an attempt to qualify under these false pretenses, the action will result in loss of eligibility for our firm to qualify for any Authority contracts for a minimum period of one (1) year and a maximum period of five (5) years from the date of discovery.

_____(Name)

_____(Signature)

_____(Title)

Attested:

Corporate Seal

_____(Name)

_____(Signature)

_____(Title)

Date _____, 2017

END OF QUESTIONNAIRE

SECTION III: SCORING AND CONTRACTOR PRE-QUALIFICATION

SECTION III. SCORING AND CONTRACTOR PRE-QUALIFICATION

The Authority will evaluate all completed Pre-qualification packages on a Pass/Fail basis and a points-based rating system. In order to be deemed pre-qualified and listed as a pre-qualified contractor for the OC Streetcar Project, a contractor must obtain a "Pass" rating on all of the criteria set forth in Part I and meet the minimum scoring requirements of the Authority for Parts II through IV. Contractors who do not obtain a "Pass" rating for all of the criteria in Part I will not be deemed pre-qualified regardless of the scores obtained in Parts II through IV.

The contract for construction of the Project will be awarded, if at all, to the responsible, prequalified contractor submitting the lowest responsive bid. Neither issuing the Notice nor any other activity related to the Pre-qualification process, obligates the Authority to award any contract for construction of the Project to a particular contractor, or at all.

The Authority reserves the right to reject any or all Pre-qualification packages and to waive any irregularities in any Request for Pre-qualification package submittal. The Authority reserves the right to determine that any contractor is not qualified at any time before or after the Pre-qualification package are received and evaluated if it finds that information provided in the response to the Request for Pre-qualification is materially inaccurate or false, or upon evidence of collusion or other illegal practices on the part of a contractor.

If any information provided by a contractor becomes inaccurate, the party who provided the information must immediately notify the Authority and provide updated accurate information in writing and under penalty of perjury.

The Authority will notify all respondents of the result of the Pre-qualification in writing.

REQUEST FOR PRE-QUALIFICATION 7-1882

A. SCORING CRITERIA

This section describes the factors that the Authority expects to consider in scoring the pre-qualification questionnaire and supporting material submitted by contractors. Pre-qualification questionnaire shall be organized and scored in the following categories:

	Evaluation Criteria	Maximum Points	Required Passing Score
Part I	Essential Requirements for Qualification	Pass	Pass
Part II	Sections B through F – History of Business and Organizational Performance	76 points	57 points
	Sections G through H Safety, Prevailing Wage and Apprenticeship	68 points	49 points
Part III	Completion of Recent Projects	Complete	Complete
Part IV	Project Experience and Reference Checks Questions	130 points (per project)	95 points (averages score of two projects)

B. SCORING PROCEDURE

A review committee will be appointed to review and score all Pre-qualification received for this Pre-qualification. The committee will comprise of Authority staff representing relevant disciplines and may include external members. The review committee will score the Pre-qualification questionnaire using a pass/fail criteria and by assigning numeric value to scorable questions identified in the questionnaire and using the scoring criteria set forth in Exhibit A. Contractors must receive a rating of “Pass” on Part I of the pre-qualification questionnaire and attain the minimum required scores as noted above for Parts II, III and IV in order to be qualified.

C. PRE-QUALIFIED CONTRACTORS

The review committee will score and develop the list of pre-qualified contractors. Only the pre-qualified Contractors will be eligible to submit bids in response to the subsequent Invitation for Bids for the OC Streetcar construction project.

The Authority may refuse to grant Pre-qualification where the requested information and materials are not provided. There is no appeal from the Authority’s decision not to prequalify a contractor due to an incomplete or late application.

D. APPEALS FOR DENIAL OF PRE-QUALIFICATION

All Contractors who submitted timely and complete Pre-qualification packages, denied qualification may request an Appeal Hearing by submitting written notice of its appeal of the decision to the Authority Contact as specified in paragraph D of this section within five (5) business days of receipt of the decision. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the Authority whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor provides the required notice of appeal and requests an Appeal Hearing, the hearing shall be conducted to conclude no later than ten (10) business days after the receipt of the written request notice.

The hearing shall be an informal process, to be conducted by the Chief Executive Officer or designee, who is delegated responsibility to hear such appeals, "Appeals Panel." Prior to the hearing the Contractor shall be advised of the basis of the Authority's pre-qualification determination. The Contractor shall be given the opportunity to present information and reasons in opposition to its rating. The Appeal Panel shall render its decision within five (5) business days of conclusion of the hearing, and the Appeal Panel decision shall be binding and final.

E. NOTIFICATION OF PRE-QUALIFICATION DETERMINATION

Contractor who were pre-qualified in response to this Pre-qualification shall be notified in writing of their results. Such notification shall be made within three (3) business days of the date the pre-qualified contractor listing is determined.

**EXHIBIT A
SCORING INSTRUCTIONS**

The scorable questions arise in three different areas:

Part II (B)-(F)	<u>History of the business and organizational performance;</u>
Part II (G)-(H)	<u>Compliance with occupational safety and health laws, workers' compensation and other labor legislation;</u>
Part IV	<u>Reference Check Questions.</u>

PART II SCORING INSTRUCTIONS

B. Questions about History of the Business and Organizational Performance

Questions 1 through 5 are not scored.

6. How many years has the contractor's organization been in business in California as a contractor under the contractor's present business name and license number?

***0 – 3 years = 0 points
3 years or more = 2 points
4 years = 3 points
5 years = 4 points
6 years or more = 5 points***

7. Is the contractor currently the debtor in a bankruptcy case?

☐ Yes ☐ No

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

"No" = 3 points "Yes" = 0 points

8. Was the contractor in bankruptcy at any time during the last five years? This question refers only to a bankruptcy action that was not described in answer to question 7, above.

☐ Yes ☐ No

If "yes," please 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.

"No" = 3 points "Yes" = 0 points

C. Licenses

Questions 9 through 12 are not scored.

13. Has any CSLB license held by the contractor or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended or revoked within the last five years?

☐ Yes ☐ No

“No” = 5 points “Yes” = 0 points

D. Disputes

14. At any time in the last five years, has the contractor been assessed liquidated damages under a construction contract with either a public or private owner?

☐ Yes ☐ No

No projects with liquidated damages of more than \$5,000 = 5 points

Only one project with liquidated damages of more than \$5,000 = 2 points

Any other answer = 0 points

15. In the last five years has the contractor, or any firm with which any of the contractor’s 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?

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of the contractor held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☐ No

“No” = 5 points “Yes” = 0 points

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

☐ Yes ☐ No

“No” = 5 points “Yes” = 0 points

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$500,000.

REQUEST FOR PRE-QUALIFICATION 7-1882

17. In the past five years, has any claim against the contractor concerning the contractor's performance of a construction project, been filed in court or arbitration?

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" if more than 2 such instances

18. In the past five years, has the contractor 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?**

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" if indicating more than 2 such instances

19. At any time during the past five years, has any surety company made any payments on the contractor's behalf, to satisfy any claims made against a performance or payment bond issued on the contractor's behalf in connection with a construction project, either public or private?

☐ Yes ☐ No

5 points for "No"

3 points for "Yes" indicating no more than 1 such claim

Subtract five points for "Yes" indicating more than 1 such claim

20. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for the contractor?

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" or if more than 2 such instances

E. Criminal Matters and Related Civil Suits

21. Has the contractor, 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?

☐ Yes ☐ No

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

REQUEST FOR PRE-QUALIFICATION 7-1882

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

☐ Yes ☐ No

“No” = 5 points “Yes” = subtract 5 points

23. Has the contractor 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

“No” = 5 points “Yes” = subtract 5 points

F. BONDING

Question 24 is not scored.

25. State the percentage paid for performance and payment bond premiums. If the contractor was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which the contractor worked at any time during the last three years, state the percentage that the contractor was required to pay. The contractor may provide an explanation for a percentage rate higher than one percent, if the contractor wishes to do so.

_____ %

5 points if the rate is less than or equal to 1.1 percent

3 points if the rate is greater than 1.1 percent but less than or equal to 1.2 percent

0 points for any other answer

Question 26 is not scored.

27. During the last five years, has the contractor ever been denied bond coverage by a surety company, or has there ever been a period of time when the contractor had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

“No” = 5 points “Yes” = 0 points

G. Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws.

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

REQUEST FOR PRE-QUALIFICATION 7-1882

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" indicating more than 2 such instances

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against the contractor in the past five years?

Note: If you have filed an appeal of a citation and the appropriate Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If yes, attach a separate signed page describing each citation.

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" indicating more than 2 such instances

30. As a result of the contractor's company's actions or inactions, has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either the contractor or the owner of a project on which the contractor was the contractor, in the past five years?

Note: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or there is a court appeal pending you need not include information about the citation.

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" indicating more than 2 such instances

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

3 points for an answer of once each week or more often

0 points for any other answer

32. Experience Modification Rate (EMR): Please obtain a letter from the contractor's insurance carrier (or state fund if applicable) with the contractor's interstate EMR's for the Year 2016 (if applicable), Year 2015, Year 2014 and Year 2013. If the contractor does not have an interstate rating, obtain the contractor's intrastate EMR's. Attach the letter as part of this package. The contractor shall list the

REQUEST FOR PRE-QUALIFICATION 7-1882

experience Modification Rate (available from the contractor's insurance carrier) below.

<u>Year</u>	<u>EMR</u>
2016	_____
2015	_____
2014	_____
Three Year Average	= _____

Are the above rates interstate or intrastate? _____

NOTE: Any of the following methods of “obtaining a letter” are acceptable:

- (1) Furnish a letter from the contractor's insurance agent, insurance carrier or state fund (on their letterhead) verifying the EMR data listed above; or
- (2) Furnish a photocopy of the applicable Experience Rating Calculation Sheets, which the contractor's insurance carrier should forward to the contractor annually.

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 1.00

0 points for any other EMR

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

☐ Yes ☐ No

If “yes,” please explain the reason for the absence of workers' compensation insurance on a separate signed page. If “no,” please provide a statement by the contractor's current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If the contractor has been in the construction business for less than five years, provide a statement by the contractor's workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that the contractor has been in the construction business.)

5 points for either “No” or “Yes” indicating 1 such instance

0 points for any other answer

34. Incident Rates: Provide a copy of Contractor incident rates for the past 4 years (2013 – 2016), segregating OSHA Recordable injuries/illnesses and days away from work (lost time) injuries/illnesses.

REQUEST FOR PRE-QUALIFICATION 7-1882

<u>Year</u>	<u>OSHA</u> <u>Recordable Rate</u>	<u>Days Away / Lost</u> <u>Time Rate</u>
2016		
2015		
2014		
Three Year Average		

5 points for three-year average Incident Rate of or less
3 points for three-year average Incident Rate of of more than but no more
than
0 points for any other EMR

35. Fatal Injuries/Illnesses: During the past 5 years, has the Contractor experienced an employee or sub-tier contractor fatality on a project controlled by the Contractor?

5 points for no fatal injuries/illnesses in the past 5 years
0 points for any fatal injuries/illnesses in the past 5 years

If "yes", attach a separate signed page describing each fatality

36. Does the Contractor have all the regulatory required health, safety and environmental compliance written policies/plans in accordance with all State and Federal OSHA and EPA agencies.

☐ Yes ☐ No

5 points for having all the written policies/plans
0 points for not having all the written policies/plans

If "no", please describe the deficiencies and provide information on how the Contractor will obtain compliance prior to contract award and/or Notice to Proceed (NTP).

H. Prevailing Wage and Apprenticeship Compliance Record

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

REQUEST FOR PRE-QUALIFICATION 7-1882

☐ Yes ☐ No

NOTE: This question refers only to the contractor's own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

5 points for either "No," or "Yes" indicating either 1 or 2 such instances

3 points for "Yes" indicating 3 such instances

0 points for "Yes" indicating more than 3 such instances

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

☐ Yes ☐ No

5 points for either "No," or "Yes" indicating either 1 or 2 such instances

3 points for "Yes" indicating 3 such instances

0 points for "Yes" indicating more than 3 such instances

39. Provide the name, address, and telephone number of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public works project for which you are awarded a contract by The Authority.

5 points if at least one approved apprenticeship program is listed
0 points for any other answer.

40. If your firm operates its own State-approved apprenticeship program:
- Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
 - State the year in which each apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
 - State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

5 points if one or more persons completed an apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employed by your firm.

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

REQUEST FOR PRE-QUALIFICATION 7-1882

Note: You may omit reference to any incident that occurred prior to January 1, 1998 if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

☐ Yes ☐ No

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

5 points for either "No," or "Yes" indicating either 1 or 2 such instances

3 points for "Yes" indicating 3 such instances

0 points for "Yes" indicating more than 3 such instances

PART IV SCORING WORKSHEET

Question	Score
1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion have been recorded? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)	<hr/>
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)	<hr/>
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)	<hr/>
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)	<hr/>
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including certified payroll, submittals and schedule updates? (Max. 10 points)	<hr/>
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your agency approved? (Max. 10 points)	<hr/>
7. Was the project completed on time? (10 points if the answer is "yes") Or, if the answer is "no", on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion? (For example: 1 if the contractor was completely responsible or 10 if the contractor was not responsible at all)?	<hr/>
8. On a scale of 1-10, with 10 being the best, rate the contractor on the contractor's proactivity in identifying change order work and the contractor's timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)	<hr/>
9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued and how well the contractor integrated the change order work into existing work. (Max. 10 points)	<hr/>

REQUEST FOR PRE-QUALIFICATION 7-1882

10. On a scale of 1-10, with 10 being the best, rate how the contractor performed in turning in Operations & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points) _____
11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims or disputes (with your agency or subcontractors or vendors), given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points) _____
12. On a scale of 1-10, with 10 being the best, rate the contractor with respect to timely payments by the Contractor to subcontractors and suppliers. (If the person being providing the reference check knows of no such difficulties, the score on this question should be 10.) _____
13. On a scale of 1-10, with 10 being the best, rate the contractor with respect to safety. Was shoring provided properly, were lock / out tag out procedures followed, did the contractor provide routine safety training? (Max. 10 points) _____
14. On a scale of 1-10, with 10 being the best, how would you rate the overall quality of the contractor's work and the contractor's ability to work cooperatively? (Max. 10 points) _____
- Total _____

ORANGE COUNTY TRANSPORTATION AUTHORITY

PRE-QUALIFICATION OF CONTRACTORS FOR THE OC STREETCAR
PRE-QUALIFICATION EVALUATION

Contractor Name: _____

	Evaluation Criteria	Maximum Points Available	Required Score	Actual Score
Part I:	Essential Requirements	Pass	Pass	Pass / Fail (circle one)
Part II:	B - F History of Business and Organizational Performance	76 points	57 points	
	G - H Safety, Prevailing Wage and Apprenticeship	68 points	49 points	
Part III	Completion of Recent Projects and Quality of Performance	Complete	Complete	
Part IV	Project Experience & Reference Check Questions	130 points (per project)	95 points (average of two projects)	