APPENDIX C
REQUIRED FORMS
Appendix C.01

DISADVANTAGE BUSINESS ENTERPRISE

If a Proposer desires to qualify as a Disadvantage Business Enterprise (DBE), the web address for the California Unified Certification Program (UCP) is: http://dot.ca.gov/hq/bep/find_certified.htm. If you are a DBE, please provide a copy of your UCP certificate.

AFFIDAVIT FOR DISADVANTAGED BUSINESS ENTERPRISE

STATE OF _____________________:

COUNTY (CITY) OF _____________:

I HEREBY DECLARE AND AFFIRM THAT I AM THE ___________________(Title) and duly authorized representative of ________________________ (name of corporation/firm) whose address is ______________________________. I hereby declare and affirm that my firm is a certified Disadvantaged Business Enterprise or Women-Owned Business Enterprise as defined and approved by California Unified Certification Program. The above, named firm will provide MST with a copy of the document from the California Unified Certification Program so affirming their DBE status.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

_______________________(AFFIANT)________________________(DATE)

STATE OF___________________:

COUNTY (CITY) OF___________:

On this_________ day of ________________, 20__,.
Appendix C.02

CERTIFICATION OF CONTRACTOR REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The Contractor, _________________________, certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offense enumerated in paragraph (2) of this certification; and

4. Have not within a three (3) year period preceding this application/proposal had one (1) or more public transactions (Federal, State, or Local) terminated for cause or default.

If the above-named Contractor is unable to certify to any of the statements in this certification, the Contractor shall attach an explanation to this certification.

The Contractor, _________________________, certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provision of 31 U.S.C. Section 3801 et seq. are applicable thereto.

_________________________________
Signature and Title of Authorized Official

_________________________________
Notary Public Name (Printed)

_______________________________    ___________________________
Notary Public Signature            County of Expiration Date
CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, __________________________, ________________________, hereby certify on behalf of ____________________________________________ that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty or not less than $10,000 and not more than $100,000 for each such failure.

Dated __________________________

______________________________
(Name)

______________________________
(Title)

______________________________
(Firm)
All bidders/proposers are required to provide the following information for DBE & non-DBE firms:

MST requires all prime contractors bidding on DOT-assisted contracts to submit, at the time of bid opening, the following information pertaining to the prime contractor and subcontractors who provided a bid or who were contacted by the prime contractor. Monterey-Salinas Transit will use this information to maintain and update a "Bidders List" to assist in MST's DBE goal-setting process. To the extent permitted by law, all information submitted will be held in strict confidence.

<table>
<thead>
<tr>
<th>Firm Name:</th>
<th>Firm Owner or Primary Contact:</th>
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<tbody>
<tr>
<td>Phone:</td>
<td>Fax:</td>
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<td>Email:</td>
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</tbody>
</table>

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<thead>
<tr>
<th>Firm Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip:</th>
</tr>
</thead>
</table>

Is the firm currently certified as a *DBE by the California Unified Certification Program?

Yes or No (Circle one)  
NAICS Code:  
*A A copy of Bidder’s DBE Certification, if applicable, must be included with this form.

List the type(s) of work/services/materials provided by the firm:
How many years has your firm been in business? ____________

Provide your DBE minority status:
- □ Black American
- □ Hispanic American
- □ Native American
- □ Asian Pacific American
- □ Subcontinent Asian-Pacific American
- □ Other (state DBA eligibility designation)

Provide your DBE gender status:
- □ Woman Owned
- □ Male Owned

Provide your firm's Gross Annual Receipts for the previous year:
- □ Less than $1 million
- □ Less than $5 million
- □ Less than $10 million
- □ Less than $15 million
- □ More than $15 million

This form may be duplicated to report all bidders' (DBE and non-DBE) information.

Monterey-Salinas Transit  
Attn: DBE Liaison Officer  
19 Upper Ragsdale Dr., Suite 200  
Monterey, CA 93940
Appendix C.05

NON-COLLUSION AFFIDAVIT

STATE OF CALIFORNIA )
COUNTY OF ________________________________) )

___________________________________________, being first duly sworn, deposes
and says that he or she is

_____________________________________________________________________
of

_____________________________________________________________________
(position or title)

__________________________________________
(the Contractor)

the party making the foregoing contract that the contract price is not made in the interest
of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the Contractor, and has not directly or indirectly colluded, conspired, connived, or agreed with any Contractor or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Contractor has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Contractor or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other Contractor, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the Contractor has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or date relative thereto, or paid, and will not pay, any free to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Dated:____________________ By:________________________
PROPOSER'S STATEMENT
REGARDING INSURANCE COVERAGE
To Be Submitted with Proposal

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the Request for Proposals No. 24-02 Construction Management Services for SURF! Busway and Bus Rapid Transit Project. Should the Proposer be awarded the contract for the work, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of the subcontractors, and agrees to name MST as Additional Insured for the work specified.

_____________________________________________
Name of Proposer (Person, Firm, or Corporation)

_____________________________________________
Signature of Proposer's Authorized Representative

_____________________________________________
Name & Title of Authorized Representative

__________________________
Date of Signing

INSURANCE REQUIREMENTS AND LIMITS

General:

Contractor, at its sole cost and expense, for the full term of this Contract (and any extensions thereof), shall obtain and maintain at minimum all of the following insurance coverage. Such insurance coverage shall be primary coverage as respects MST and any insurance or self-insurance maintained by MST shall be excess of Contractor’s insurance coverage and shall not contribute to it.

Types of Insurance and Minimum Limits

Contractor shall obtain and maintain during the term of this Contract:

Worker’s Compensation and Employer’s Liability Insurance in conformance with the laws of the State of California (not required for Contractor’s or subcontractors having no employees) with limits of not less than one million
dollars ($1,000,000) per occurrence.

Contractors vehicles used in the performance of this Contract, including owned, non-owned (e.g. owned by Contractor’s employees), leased or hired vehicles, shall each be covered with Commercial Automobile, Liability Insurance in the minimum amount of three million dollars ($3,000,000) combined single limit per accident for bodily injury and property damage.

Contractor shall obtain and maintain Comprehensive General Liability Insurance coverage in the minimum amount of five million dollars ($5,000,000) combined single limit, including bodily injury, personal injury, and property damage. Such insurance coverage shall include, without limitation:

Other Insurance Provisions

As to all insurance coverage required herein, any deductible or self-insured retention exceeding $5,000.00 shall be disclosed to and be subject to written approval by MST.

If any insurance coverage required hereunder is provided on a “claims made” rather than “occurrence” form, Contractor shall maintain such insurance coverage for five (5) years after expiration of the term (and any extensions) of this Contract.

All required Automobile Liability Insurance and Comprehensive or Commercial General Liability Insurance shall contain the following endorsement as a part of each policy: “MST is hereby added as an additional insured as respects the operations of the named insured.”

All the insurance required herein shall contain the following clause: “It is agreed that this insurance shall not be canceled until thirty (30) days after MST shall have been given written notice of such cancellation or reduction.”

Contractor shall notify MST in writing at least thirty (30) days in advance of any reduction in any insurance policy required under this Contract.

Contractor agrees to provide MST at or before the effective date of this Contract with a certificate of insurance of the coverage required.

If Contractor, for any reason, fails to maintain insurance coverage, which is required pursuant to this Contract, the same shall be deemed a material breach of contract. MST, at its sole option, may terminate this Contract and obtain damages from the Contractor resulting from said breach. Alternatively, MST may purchase such required insurance coverage, and without further notice to Contractor, MST may deduct the cost therefore from Contractor’s invoices charges for services rendered.
Appendix C.07

Proposer Information Sheet

A. PROPOSER QUALIFICATIONS AND REFERENCES

The Proposer is required to state what work of similar magnitude or character they have done. Give references to enable MST to judge experience, skill and business standing and provide information to assess the ability to perform the services as completely and as rapidly as is required under the terms of the contract. All questions must be answered and the data given must be clear and comprehensive. Provide the nature of the work performed, for whom, amount of contract, dates of work, and the name of a point of contact for the Transit Agency, Firm or other Public Agency. If necessary, questions may be answered on separate attached sheets.

B. GENERAL PROPOSER INFORMATION:

When organized? ___________________________________________________

If a Corporation, where incorporated? ________________________________

How many years in business under your current firm or trade name? __________

Has the firm ever defaulted on a contract? __________ If so, where and why?
_____________________________________________________________________
_____________________________________________________________________
How was it resolved? _________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Has there ever been a failure to complete any work? __________ If so, where and why?
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
How was it resolved?
_____________________________________________________________________
_____________________________________________________________________

Any claims for labor code violations? _________________________________
PROPOSER QUALIFICATIONS AND REFERENCES CONTINUED

A. List three (3) current projects to include the, contract value, scheduled completion date, and the contact person, e-mail address and telephone number.

____________________________________________________________________________________

____________________________________________________________________________________

B. List three (3) similar work experiences to this contract requirement. Provide contract value, date completed, and a contact name and phone number.

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

C. Is there any legal action filed or threatened pertinent to this contract work? __

If yes, please list the title of the action, whether it is pending or resolved, and explain the circumstances:

____________________________________________________________________________________

D. The undersigned hereby authorizes and requests any person, firm, or corporation to furnish any credit history and financial condition or other information required by MST in verification of the information provided in this statement of PROPOSERS qualifications. I hereby certify that the above information is true and correct to the best of my knowledge and that MST may rely on the information provided.

THIS STATEMENT MUST BE NOTARIZED.

Attach the “California All-Purpose Acknowledgement” duly notarized.

NAME OF CONTRACTOR: ____________________________________________________________

BY: ____________________________________________________________________________

Signature Title

Type/Print Name Date
Appendix C.08

RFP COMPLIANCE OR EXCEPTION
(Proposer must complete and submit with their proposal)

COMPLIANCE OR EXCEPTION TO THE TERMS AND CONDITIONS OF THE RFP

A. COMPLIANCE:

This is to certify that Proposer agrees and shall comply with the terms and conditions of the RFP.

Firm Name: ___________________________________________________________

Proposer Signature: ________________________________________________

Title: _________________________________________________________________

Date: _________________________________

B. EXCEPTION:

This is to certify that Proposer takes exception to the following terms and conditions of the RFP. Proposer must identify and list the terms and conditions by Section, page number and title. Proposer must identify what its exception is.

Firm Name: ___________________________________________________________

Proposer Signature: ________________________________________________

Title: _________________________________________________________________

Date: _________________________________

Proposer shall list and attach to this form proposer’s exception(s):
Appendix C.09

SUBCONTRACTOR'S STATEMENT OF ELIGIBILITY

Contractor to provide a signed Statement of Eligibility from each of its subcontractors listed on the Designation of Subcontractors form.

__________________________________________________ (Subcontractor Name) hereby certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any federal project by any federal department or agency.

Where the subcontractor is unable to certify any of the statements in this certification, such subcontractor shall attach an explanation with this form.

The subcontractor certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801, et. seq. are applicable.

Signature of Bidder: __________________________ Date: ____________________

(SIGN HERE)
Appendix C.10

BIDDER’S LIST OF SUBCONTRACTORS (DBE AND NON-DBE) PART 1

In accordance with Title 49, Section 26.11 of the Code of Federal Regulations, and Section 4104 of the Public Contract Code, as amended, the following information is required for each subcontractor who will perform work amounting to more than one half of one percent (0.5%) of the Total Base Amount for Preconstruction Services or $10,000 (whichever is greater). Photocopy this form for additional firms.

<table>
<thead>
<tr>
<th>Subcontractor Name and Location</th>
<th>Line Item &amp; Description</th>
<th>Subcontract Amount</th>
<th>Percentage of Bid Item Subcontracted</th>
<th>Contractor License Number</th>
<th>DIR Reg Number</th>
<th>DBE (Y/N)</th>
<th>DBE Cert Number</th>
<th>Annual Gross Receipts</th>
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BIDDER’S LIST OF SUBCONTRACTORS (DBE AND NON-DBE) PART 2

In accordance with Title 49, Section 26 of the Code of Federal Regulations, the Proposer shall list all subcontractors who provided a quote or bid but were not selected to participate as a subcontractor on this project. Photocopy this form for additional firms.

<table>
<thead>
<tr>
<th>Subcontractor Name and Location</th>
<th>Line Item &amp; Description</th>
<th>Subcontract Amount</th>
<th>Percentage of Bid Item Subcontracted</th>
<th>Contractor License Number</th>
<th>DBE (Y/N)</th>
<th>DBE Cert Number</th>
<th>Annual Gross Receipts</th>
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Age of Firm: ___ yrs.

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<th>Annual Gross Receipts</th>
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Appendix C.11

Labor Commissioner’s Pre-Qualification Questionnaire

CONTRACTOR PRE-QUALIFICATION QUESTIONNAIRE

A. CONTRACTOR INFORMATION

(All Questions Must Be Answered)

Firm Name (as it appears on CSLB license): __________________________________________________________

Firm Type (Select one): □ Corporation □ LLC □ Partnership □ Sole Proprietorship □ Joint Venture

Contact Person/Title: __________________________________________________________

(List Owner(s) if Firm is a Sole Proprietorship or Partnership)

Local Address (P.O. Box is not acceptable): 

Address 1: __________________________________________________________________________

Address 2: __________________________________________________________________________

City: ________________________________________________________________________________

Zip: ________________________________________________________________________________

Office Telephone: ____________________________

Contact Mobile: _____________________________

Fax Number: ________________________________

E-mail Address: ______________________________

List all California construction or other professional license numbers, classifications and expiration dates held by your firm:

<table>
<thead>
<tr>
<th>License Number</th>
<th>Classification</th>
<th>Expiration Date</th>
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List your firm’s DIR Public Works Contractor (PWCR) Registration Number(s):

<table>
<thead>
<tr>
<th>PWCR Number</th>
<th>Entity Name</th>
<th>Expiration Date</th>
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If any of your firm’s license(s) are held in the name of a corporation, limited liability company, or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

<table>
<thead>
<tr>
<th>License Number</th>
<th>Qualifying Individual</th>
<th>Expiration Date</th>
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### B. CURRENT ORGANIZATION AND STRUCTURE

Complete the section below for the appropriate type of firm:

**For Firms 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Firm</th>
<th>% Ownership</th>
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1d. Identify every construction 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.

<table>
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<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Date of Person’s Participation with Firm</th>
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**For Firms That Are Limited Liability Companies (LLC):**

1a. Date Article of Organization filed: ________________________________

1b. Under the laws of what state: ________________________________

1c. Provide all the following information for all members of the LLC:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Firm</th>
<th>% Ownership</th>
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1d. Identify every construction 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.

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<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Date of Person’s Participation with Firm</th>
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For Firms That Are Partnerships:

1a. Date incorporated: ____________________________

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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Firm</th>
<th>% Ownership</th>
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</table>

1d. Identify every construction 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.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Date of Person’s Participation with Firm</th>
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</table>
For Firms That Are Sole Proprietorships:

1a. Date of commencement of business ____________________________

1b. Identify every construction 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.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Date of Person’s Participation with Firm</th>
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For Firms That Intend to Make a Bid as Part of a Joint Venture:

1a. Date of commencement of joint venture: ____________________________

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

<table>
<thead>
<tr>
<th>Name of Construction Firm</th>
<th>% Ownership</th>
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Note: Explain on a separate sheet. Provide all other pertinent information required in the sections above, for each Corporation, LLC, Partnership, or Sole-Proprietorship that is a part of the Joint Venture.

FOR ALL FIRMS:

2. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

<table>
<thead>
<tr>
<th>Construction Firm</th>
<th>Description of Sharing Agreement</th>
<th>Location of Facilities</th>
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3. State your firm’s gross revenues for each of the last three fiscal years:
   Current year ($): __________________________
   Previous year ($): __________________________
   Year prior to previous year ($): ________________

4. How many years has your firm been in business in California as a contractor under your present business name and license number? __________________________

5. Bonding Capacity – Provide documentation from your surety identifying the following:
   Name of Bonding Company/Surety: __________________________
   Name of Surety Agent: __________________________
   Address: __________________________
   Telephone number: __________________________

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

7. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates on which they were issued:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Date</th>
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8. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project? __________________________

9. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:
   Current year rate: __________________________
   Previous year rate: __________________________
   Year prior to previous year rate: __________________________

10. Does your firm regularly utilize a third party consultant to review labor compliance documents of subcontractors on a public works project?  □   Yes  □   No
11. 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 employ on any public works project awarded by [Public Entity].

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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12. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the past three years.

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<tr>
<th>Name</th>
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13. If your firm operates its own State-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 such apprenticeship program was approved and attach evidence of the most recent California Apprenticeship Council approval(s);
   (c) For each craft, list the number apprentices employed by your firm and the number of individuals that completed apprenticeships while employed by your firm during the last three years.

<table>
<thead>
<tr>
<th>Craft</th>
<th>Year</th>
<th>No. Apprentices</th>
<th>No. Completed</th>
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14. Has your firm changed names or license number in the past five years? □ Yes □ No
   (If yes, explain on a separate sheet, including the reason for the change.)

15. Has there been any change in ownership of your firm at any time during the last five years? □ Yes □ No
   (If yes, explain on a separate sheet.)

NOTE: A corporation whose shares are publicly traded is NOT required to answer this question.
16. Is your firm a subsidiary, parent, holding company or affiliate of another construction firm?  □ Yes  □ No
   (If yes, explain on a separate sheet.)
   NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

17. Has any owner, partner and/or officer of your firm operated or been connected to a construction firm under any other name in the last five years not listed in Section A or Section B above at any time in the past five years?  □ Yes  □ No
   (If yes, provide the person’s name, construction firm name, and dates of participation.)

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<tr>
<th>Name</th>
<th>Construction Firm</th>
<th>Dates of Participation</th>
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C. ESSENTIAL CRITERIA QUESTIONS

1. Does your firm possess a valid and current California Contractor’s or other professional license as required by law for the project or projects for which it intends to submit a bid?  
   Circle Answer: Yes  No

2. Is your firm registered with DIR as a Public Works Contractor for the current fiscal year?  
   Circle Answer: Yes  No

3. Does your firm have a liability insurance policy with a policy limit of at least $1,000,000 per occurrence and $2,000,000 aggregate?  
   Circle Answer: Yes  No

4. Does your firm have current workers’ compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.?  
   Circle Answer: Yes  No

5. Have you attached your firm’s latest copy of reviewed or audited financial statements with accompanying notes and supplemental information?  
   Circle Answer: Yes  No

   NOTE: Financial statements that are not either reviewed or audited are 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 statements.

6. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that: (a) your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or valid for a year if you are seeking pre-qualification valid for a year; and (b) your current available bonding capacity?  
   Circle Answer: Yes  No

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

7. Has your contractor’s or other professional license been revoked at any time in the last five years?  
   Circle Answer: Yes  No

8. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was in default and/or terminated by the project owner within the last five years?  
   Circle Answer: Yes  No
9. Is your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B, ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1, 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?

Circle Answer

   Yes   No

10. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B been convicted of a crime involving the awarding of a contract of a government construction project, the bidding or performance of a government contract, antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

Circle Answer

   Yes   No

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

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

Circle Answer

   Yes   No

12. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B ever been terminated from a public works contract, including but not limited to termination based on any misconduct, such as failure to comply with contractual, statutory, or other legal obligations from any public construction project?

Circle Answer

   Yes   No

13. Does your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section A and/or Section B currently have any delinquent liability to an employee, the state, or any awarding body for any assessment of back wages or related damages, interest, fines or penalties pursuant to any final judgment, order, or determination by any court or any federal, state, or local administrative agency, including a confirmed arbitration award?

Circle Answer

   Yes   No

* Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 percent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is $10 million, and 25 percent of that amount, therefore, is $2.5 million.

** An additional notarized statement from the surety may be requested by [Public Entity] at the time of submission of a bid, if this pre-qualification questionnaire is submitted more than 60 days prior to submission of the bid.
D. PRE-QUALIFICATION CRITERIA QUESTIONS

Prior History

1. How many times has your firm, or any of its officers, supervisors, or managers, declared bankruptcy at any time during the last five years?  
   (This question refers only to a bankruptcy action that was not described in your answer to Question 11 in Section C. If yes, attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed, a copy of the Bankruptcy Court’s discharge order or any other document that concluded the case if no discharge order was issued.)

   0 1 2 3 4 5+

2. How many times has your firm, or any of its officers, supervisors, or managers, had an injunction, judgment, order, or lien entered against it for outstanding taxes assessed or fines, penalties and/or unpaid employee wages at any time in the last five years?  
   (Explain on a separate sheet. Provide details, including the name of the government agency, caption, date, case or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)

   0 1 2 3 4 5+

3. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging violation of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?  
   (Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

   0 1 2 3 4 5+

4. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging a violation by a subcontractor hired by your firm of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?  
   (Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)

   0 1 2 3 4 5+
5. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, paid any amount, fine or otherwise, regardless of characterization, to settle any of the allegations listed in Questions 3 and 4 above, whether with or without an admission of responsibility or liability?

(Explain on a separate sheet. Provide details, including the caption, date, case or docket number, and name of the court or agency before which the case was brought.)

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6. How many times has your firm, or any of its officers, supervisors, or managers, been debarred, suspended, disqualified, denied a classification rating or pre-qualification or otherwise been declared not responsible to or prevented from bidding or performing work on any public works contract or subcontract in the last five years?

(Explain on a separate sheet. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, name of the person within your firm who was associated with that company, date, owner of the project, project name and information, basis for the action, and case or docket number.)

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7. How many times in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

(Explain on a separate sheet. Identify all such projects by owner, owner’s address, date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.)

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

(Explain on a separate sheet. Identify the amount of each such claim, name and telephone number of the claimant, date of claim, grounds for claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of resolution and amount, if any, at which claim was resolved.)

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<th>Circle Answer</th>
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9. How many times in the last five years has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm?

(Explain on a separate sheet. Name the insurance carrier, form of insurance, and year of refusal.)

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<th>Circle Answer</th>
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</table>
10. How many times during the last five years, has your firm been denied bond coverage by a surety company, or has there been a period of time when your firm had no surety bond in place during a public works construction project when one was required?

(Explain on a separate sheet. Indicate the date when your firm was denied coverage, name of the company or companies which denied coverage, and the time period during which you had no surety bond in place.)

Criminal Matters and Civil Suits

11. How many times has your firm, or any of its officers, supervisors, or managers, ever been convicted of a crime involving any federal, state, or local law related to construction?

(Explain on a separate sheet. Identify who was involved, name of the public agency, date of conviction, and grounds for conviction.)

12. How many times has your firm, or any of its officers, supervisors, or managers, ever been found liable in a civil suit or convicted of a federal or state crime of fraud, theft, or involving any other act of dishonesty, such as making any false claim or material misrepresentations?

(Explain on a separate sheet. Identify the person or persons convicted or found liable, court [the county if a state court, the district or location if federal court], year, and conduct involved.)

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 sub-contractor and a project owner. Also, you may omit reference to all disputes involving amounts of less than $50,000.

13. How many times in the last five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?

(Explain on a separate sheet. 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 [e.g. “pending” or, if resolved, a brief description of the resolution].)

14. How many times in the last five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

(Explain on a separate sheet. Identify the claim(s) 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 [e.g. “pending” or if resolved, a brief description of the resolution].)
Occupational Health and Safety Compliance

15. How many times in the last five years has CalOSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violation(s) or the federal Occupational Safety and Health Administration cited and assessed penalties against your firm for violation(s) of safety or health regulations?

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.

16. How many times in the last five years has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor?

(Explain on a separate sheet describing each citation.)

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.

17. How many times within the last five years has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance?

(Explain the reason for each absence of workers’ compensation insurance on a separate sheet. If “None,” please provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers’ compensation insurance carrier verifying continuous workers’ compensation insurance coverage for the period that your firm has been in the construction business.)

Prevailing Wage and Apprenticeship Compliance

18. How many times during the last five years, has your firm been required to pay back wages and/or penalties related to state or federal prevailing wage laws for work performed by your firm?

(Explain on a separate sheet. Describe the nature of each violation and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

NOTE: Question 18 refers only to the violation of prevailing wage laws by your firm, not to violations by a subcontractor.
19. How many times during the last five years, has your firm or any subcontractors hired by your firm been required to pay back wages and/or penalties related to state or federal prevailing wage laws for work performed by a subcontractor?

(Explain on a separate sheet. Identify the subcontractor’s business name and CSLB license number, describe the nature of each violation, and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)

NOTE: This question refers only to the violation of prevailing wage laws by subcontractors, not to violations by your firm.

20. How many times during the last five years, has your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department’s final decision(s).)

21. How many times during the last five years, has any subcontractor hired by your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department’s final decision(s).)

NOTE: Omissions, misrepresentations and any failure to disclose associations with other firms or any prior history of alleged violations may lead to loss of your eligibility to register as a Public Works Contractor, disqualification of bids, and/or grounds for termination of a contract.
E. CERTIFICATION

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

Each person signing below makes the following representations under penalty of perjury:

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder’s statements. By signing below, the submitter and the named contractor hereby grant permission to the [Public Entity] to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

I, ___________________________ (Name), the undersigned, am the ___________________________ (Title), with the authority to act for and on behalf of (Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Pre-qualification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this:__________ day of __________________ at ___________________________.

(Date) (Month / Year) (City / State)

Name of Contractor Representative: ________________________________

Signature of Contractor Representative: ________________________________
Appendix C.12

COST PROPOSAL

Fixed Fee Percent ______% 

The Fixed Fee submitted with this Proposal shall be the percentage of the total construction cost for which the work will be completed. The fixed fee shall represent all costs for the duration of the contract.

In addition to this form, please include a breakdown of how cost is allocated.

For information purposes only, MST’s current estimate for construction of the SURF! totals $55 million.

Name (Print): __________________________

Title:_________________________________

Signature: _____________________________

Date: ________________________________