



Palomar Community College District

Contract Services Room A-3

1140 W. Mission Rd.

San Marcos, CA 92069-1487

Phone: (760) 744-1150 x 2697

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APPLICATION FOR PRE-QUALIFICATION OF

GENERAL CONTRACTORS AND

PRIME CONTRACTORS

(for construction projects valued at more than \$250,000)

for

PALOMAR COMMUNITY COLLEGE DISTRICT

Pre-qualification applications must be received at least 2 weeks prior to any bid opening that your firm wishes to bid on, allow time for review, verification and approval.

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GENERAL INFORMATION REQUEST FOR PREQUALIFICATION OF BIDDERS

Public Contract Code Section 20651.5 permits the Governing Board of any Community College District to require each prospective bidder for a contract, as described under Section 20651 to complete and submit to the District a standardized questionnaire and financial statement in a form specified by the District, including a complete statement of the prospective bidder's financial ability and experience in performing public works construction/improvement projects. In accordance with Section 20651.5, the Palomar Community College District (District) has developed a Pre-qualification application and which must be completed in advance by all companies seeking to bid construction projects.

The District intends to enter into contracts with contractors to construct public works construction/improvement projects funded by Proposition "M" as well as state and other funds. All firms interested in bidding as a General or Prime Contractor (for all construction projects valued at more than \$250,000) for the Palomar Community College District (hereinafter District) must fully complete this Pre-qualification Application, provide all materials requested herein and be approved by the District

Answers to questions contained in the attached Standard Form of Questionnaire and Financial Statement are required, including a complete statement of prospective bidder's financial ability and experience in performing public works. These documents will be the basis of rating bidders in respect to the size and scope of contracts upon which each bidder is qualified to bid. The District reserves the right to verify the information submitted by the Applicant in any related documents, or by supplemental information or data as necessary. Omission of requested information can result in automatic disqualification. The District will form a review panel to evaluate the responses and information provided to this Standard Form of Questionnaire and Financial Statement.

The questionnaire and financial statements are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. Palomar Community College District reserves the right to reject any and all prequalification questionnaires and to waive any irregularities in the information contained therein.

Each questionnaire must be signed by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify the awarding body and provide updated accurate information in writing and under penalty of perjury.

PRE-QUALIFICATION PROCESS

The Pre-Qualification application consists of three (3) primary review modules, which will be used to review the Applicants.

Module 1: The first module consists of a list of questions to which the Applicant must answer "Yes". If the Applicant answers "No" to any of the questions, the Application will automatically be rejected. If the Applicant answers "Yes" to all of the questions, the Applicant will proceed to the Module 2.

Module 2: The second module consists of a list of "Rating Questions" all of which the Applicant must answer. If the Applicant's score on Module 2 meets the minimum of at least 55 the applicant will proceed to Module 3. If not, the Application will be rejected.

Module 3: The third module consist of a list of reference interview questions, which will be asked of previous clients project contacts by Application Review Panel. If the Applicant's score on the third module is sufficient, the Application will be approved. If the Applicant's score on Module 3 is not sufficient, the Application will be rejected.

In summary the Applicant must successfully pass all 3 modules of the Application in order for the Applicant to be pre-qualified.

The following can result in denial of Pre-qualified status:

1. Failure to submit any material information required on the questionnaire.
2. Deliberate submission of false information.
3. Debarment or suspension by any public entity.
4. Conviction of a crime or public offense.
5. Any combination of substantive factors including, but not limited to, disregard of laws regulations, history of failure to perform in other contracts, unresolved tax liens, etc., which in the sole discretion of the District, do not meet the standards of fitness or reliability expected from companies wishing to do business with the District.

Once the review and evaluation is complete, the applicant will be notified by letter whether the Pre-qualification has been approved or denied. Only Applicants for whom the Pre-qualification application has been approved will be permitted to submit a bid for any District construction project valued at more than \$250,000. Any applicant denied has a right to appeal the decision. See page 26 for appeal process instructions.

Submission of Completed Statements

Mail completed applications along with the following:

- Compiled Financial Statements (Projects up to \$1,000,000)
- Reviewed or Audited Financial Statement (Projects \$1,000,000 to \$9,999,999)
- Audited Financial Statement (Projects \$10,000,000 or greater)
- Letter of Bondability (identifying project by name if applicable)
- Certificate of Insurance issued to the awarding agency
- Accountant's Release Letter
- Letter of Credit

To: Contract Services, Room A-3
Palomar Community College District
1140 West Mission Road
San Marcos, CA 92069

Please mark envelope: Application for Pre-Qualification "Confidential"

Quick Check (Module 1)

The following are screening statements, which should be used to determine whether or not you should proceed to submit a pre-qualification process.

You must be able to answer "YES" to each question below.

1. I am bidding as the general/prime contractor.

Yes: No:

2. I am appropriately licensed, insured and bondable.

Yes: No:

3. I have a compiled, audited or reviewed financial statement, (as appropriate), that is less than 18 months old.

Yes: No:

4. I have completed at least 2 public works projects within the last 7 years. (Public Works Construction Project defined as project that meets California Public Contract Code Sections 1101, 7103.5, or 22200(a) as appropriate.)

Yes: No:

5. I am eligible to bid a Public Works contract as per Section 1777.1 of the Labor Code.

Yes: No:

If you can answer "Yes" to all of the above statements, please proceed with the application.

SECTION 1: CONTRACTOR'S STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION

Please Type or Print Clearly

SECTION 1 - GENERAL INFORMATION

Contractor: _____
(as name appears on license)

Check One: Corporation
Partnership
Sole Prop.
Joint Ven.

Contact Person: _____

Address: _____

Phone: (____) _____ Fax Number: (____) _____

Email Address: _____

License# _____ Class: _____

Exp. Date: _____

Supplemental classification(s) held, if any, and license number(s): _____

Have you ever been licensed in California under a different name or different license number? Yes: _____ No: _____
If yes, list all name(s) and license number(s) on a separate sheet.

District Use Only:

Verified by District by _____ on _____ by speaking with _____

License Clear: Yes: _____ No: _____

Tax ID Number: _____ Date Business Formed: _____

1. In the past 10 yrs., what other business has the principal been involved in?

2. Has there been any recent change in control of Company: (If yes, explain on separate signed page.)

Yes: _____ No: _____

3. Is the company or its owners connected with other companies as a subsidiary, parent, holding or affiliate?

Yes: _____ No: _____

4. Corporate Officers - Partners - Proprietor - Owners - Key Personnel:

| Name | Position | Years /Firm | % of Ownership |
|------|----------|-------------|----------------|
| | | | |
| | | | |
| | | | |
| | | | |

5. In what type of construction do you specialize? _____

6. What was the largest amount of work complete in one year?

| Dollar Amount | Number of Jobs | Year | Largest Job |
|---------------|----------------|------|-------------|
| \$ | | | |

7. List annual gross income for last three (3) years: Year: _____ \$ _____

Year: _____ \$ _____

Year: _____ \$ _____

8. Are you currently pre-qualified with any other school district in San Diego County?

Yes: No:

If yes, which one(s)? _____

What is your dollar rating? \$ _____

Can we contact the district(s) above to discuss my rating/prequalification? Yes: No:

I hereby certify that all of the information submitted by Contractor in connection with this Pre-qualification Questionnaire and all of the representations made herein are true and correct.

Date

Signature

Print Name

SECTION 2 – RATING QUESTIONS (Module 2)

Highest Possible Rate = 82 Points.

A score less than 55 points will disqualify you from the pre-qualification process.

“You” or “Your” refer to the Applicant listed in Section 1.

| Question | Response | Points (For Office Use Only) |
|---|--|---------------------------------|
| 1. How many years has your organization been in business in California as a contractor under your present business name and license number? (3 Yrs. or less = 1 pt., 3-6 Yrs. = 3 pts., 6+ = 5 pts.) | _____ Years | _____ pts. |
| 2. How many years' experience does the principal of the firm have as a contractor? (3 Yrs. or less = 1 pt., 3-6 Yrs. = 3 pts., 6+ = 5 pts.) | _____ Years | _____ pts. |
| 3. Are the owners or principals of firm in good standing with the Contractors State License Board, or have they ever had their contractor's licenses suspended, put on probation, or revoked? (Check One) (Revoked = 0 pts., probation = 3 pts., suspended = 2 pts good standing = 5 pts.) | Good Standing Suspended Probation Revoked | _____ pts. |
| 4. How many years has your organization completed construction work as a Contractor under the California Division of the State Architect (DSA) Rules and Regulations? (3 Yrs. or less = 1 pt., 3-6 Yrs. = 3 pts., 6+ = 5 pts.) | _____ Years | _____ pts. |
| 5. How many stop notices have been filed on in court and lost by your firm? (0 = 6 pts., 1-3 = 4 pts., <3 = 0 pts.) | _____ Lost | _____ pts. |
| 6. How many claims has your firm filed suit on in court and lost by your firm? (0 = 4 pts., 1-3 = 2 pts., <3 = 0 pts.) | _____ Lost | _____ pts. |
| 7. * Has your firm ever failed to complete a project in the past 5 years? (Yes = 0 pts., No = 5 pts.) | Yes No | _____ pts. |
| 8. * In your three most current completed contracts, how many unresolved change orders resulted in a claim? (0 = 5 pts., 1-3 = 3 pts., <3 = 0 pts.) | _____ | _____ pts. |
| 9. * Has your firm been assessed liquidated damages in the past 5 years? (Yes = 0 pts., No = 5 pts.) | Yes No | _____ pts. |
| 10. * Has your firm ever had insurance terminated by a carrier in the past 5 years? (Yes = 0 pts., No = 5 pts.) | Yes No | _____ pts. |
| 11. * How many OSHA citations has your firm received on your three most current completed contracts? (0 = 5 pts., 1-3 = 3 pts., <3 = 0 pts.) | _____ Citations | _____ pts. |
| 12. Does your firm currently have a safety plan, which complies with the current OSHA standards? (Yes = 2 pts., No = 0 pts.) | Yes No | _____ pts. |
| 13. What is your current Worker's Compensation modification rate? (<1 = 5 pts., 1.1 – 1.5 = 3 pts., 1.6 – 2.0 = 2 pts., >2.1 = 0 pts.) | _____ Rate | _____ pts. |

| Question | Response | Points (For Office Use Only) |
|--|-------------------------------|---------------------------------|
| 14. How many school projects has your firm completed in the past 5 years? (5+ = 5 pts., 4 = 4 pts., 3 = 3 pts., 2 = 2 pts., 1 or less = 0 pts.) | _____ School _____ Project | _____ pts. |
| 15. * Within the past 5 years, has any employee or entity filed a complaint against your firm with the California Contractors License Board? If yes, how many complaints were filed? (No = 5 pts., 1 = 4 pts., 2 = 3 pts., 3 = 2 pts., >3 = 0 pts.) | Yes No _____ Complaints | _____ pts. |
| 16. * Within the past 5 years, has any employee filed a complaint with the Labor Board? If yes, how many complaints were filed? (No = 5 pts., 1 = 4 pts., 2 = 3 pts., 3 = 2 pts., >3 = 0 pts.) | Yes No _____ Complaints | _____ pts. |
| 17. * Has your firm or any officer of your firm been found guilty of violating any federal, state or local law, rule or regulation regarding a construction contract? (Yes = 0 pts., No = 5 pts.) | Yes No | _____ pts. |
| Total Score: | | _____ of 82 |

*** If you answered "Yes" to questions 7-11, and/or 15-17, you must attach an explanation for each on a separate sheet.**

SECTION 3 - INSURANCE

Do you currently have a minimum of \$1,000,000 Combined Comprehensive Single Limit Liability Insurance?

Yes: No: Please provide a Certificate of Insurance as verification

Amount of Insurance \$ _____ Years With Ins. Co.: _____

Insurance Company Information

Name: _____

Address: _____

Phone#: (____) _____

Contact: _____

Note: If less than two years with company, please list prior insurance companies on a separate page, including phone numbers and contact names.

District Use Only:

Verified by District by _____ on _____ by speaking with _____

Comments: _____

Certificate of Insurance attached? Yes: _____ Expiration date of insurance: _____

Exchange this page for a current original certificate of insurance.

SECTION 4 - SURETY INFORMATION

Provide a statement listing names of **all surety companies**, not agencies, utilized by your company in the last five (5) years. State whether the surety or sureties bonding your jobs have been required or requested to complete any part of bidders work during the last five (5) years. **Please provide a letter stating bondability from surety company.**

| Company | Contact & Phone # | Largest Bond | List Years Used |
|---------|-------------------|--------------|-----------------|
| | | | |
| | | | |
| | | | |

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

1. Been unable to obtain a bond or been denied a bond for a contract?

Yes: No:

2. Defaulted on a contract forcing a Surety to suffer a loss?

Yes: No:

3. Failed to complete a District contract within the authorized contract time?

Yes: No:

4. Ever declared bankruptcy?

Yes: No:

5. Been in receivership?

Yes: No:

6. Had any arbitration (not litigation) on a contract?

Yes: No:

7. Are there any outstanding liens/stop notices for labor and/or material filed against your company on any contracts which have been completed or are being completed by your company?

Yes: No:

8. Is the company involved in litigation related to construction?

Yes: No: (If yes, please attach a brief description.)

9. How many projects is your company currently bonded for? _____

If **YES** to any of the above questions, please attach a brief explanation/description, with dates of occurrences, on a separate page.

Attach a letter of bondability to this package.

District Use Only:

Verified by District by _____ on _____ by speaking with _____

How long has the contractor been a client? _____

Has the contractor ever defaulted on a contract that caused the surety to suffer a loss in the past two years?

Yes: No:

Comments: _____

Has the contractor ever failed to complete a contract?: _____

Yes: No:

Comments: _____

Has the contractor ever been suspended, dismissed or declared in default from a project during the past two years?

Yes: No:

Comments: _____

Has the contractor ever declared bankruptcy or ever been placed in receivership within the past three years?:

Yes: No:

Comments: _____

Are there any positive answers to the prior three questions? If yes, contractor is disqualified.

What is the largest contract this contractor has had bonded through this surety?: _____

What maximum size project would your surety most likely bond this contractor for?: _____

Are there any outstanding stop notices or liens currently unresolved on contracts that have been completed that you are aware of?

Yes: No:

If yes, # _____

Comments: _____

Exchange this page for a current original letter of bondability which clearly shows bonding agency's estimate of largest single bond amount most likely approvable.

Section 5: Performance

Reference Interview Questions (Module 3)

THE DISTRICT WILL DO THIS. NO ACTION ON YOUR PART IS NECESSARY.

The following questions will be used to interview randomly selected contacts from at least 2 completed projects. These questions are for your information only. Highest Possible Rate = 120 Points. A score less than 60 points disqualifies you from bidding projects proposed by Palomar Community College District electing to use this pre-qualification process as a condition of bidding.

1. Are there any outstanding stop notices or liens currently unresolved on contracts that have been completed? (Max. 10 points if no outstanding stop notices or liens. If yes, 1 point for each will be deleted from overall score.)
2. Did the contractor provide adequate personnel? (Max. 10 points)
3. Did the contractor provide adequate supervision? (Max. 10 points)
4. Was there adequate equipment provided on the job? Max. 10 points)
5. Was the contractor timely in providing reports and other paperwork, including change order paperwork? (Max. 10 points)
6. Was the contractor timely in completing the project? (Max. 10 points)
7. Were there excessive change orders on the job that can be faulted to the Contractor or his subs? (Max. 10 points)
8. When a change order was issues, did the contractor perform the work well integrate into the existing work easily? (Max. 10 points)
9. How has the contractor been performing in the area of taking care of warranty items? (Max. 10 points)
10. Did you have difficulty with claims? (Max. 10 points)
11. How would you rate the contractor's overall performance? Would you want to work with them again? (Max 10 points)
12. Subcontractor/supplier question: Does this contractor pay his bills on time? (Max 10 points)

1. What size projects do you feel your company can undertake:

Single job: \$ _____ Total work in Progress: \$ _____

2. List the two (2) largest public works contracts completed in the past seven (7) years:

| Owner | Contact & Phone # | Job Description | Contract \$ | Year Completed |
|-------|-------------------|-----------------|-------------|----------------|
| | | | | |
| | | | | |

District Use Only:

Two projects used for rating development: Highest: _____

Second Highest: _____

3. List three (3) of the largest contracts completed in the past seven (7) years not listed in #2 above:

| Owner | Contact & Phone # | Job Description | Contract \$ | Year Completed |
|-------|-------------------|-----------------|-------------|----------------|
| | | | | |
| | | | | |
| | | | | |

4. List all projects completed for School Districts, including community college districts, in the last seven (7) years not listed in #2 or #3 above: (Attach separate sheet if needed.)

| Owner | Contact & Phone # Inspector & Phone # | Job Description | Contract \$ | Year Completed |
|-------|--|-----------------|-------------|----------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

5. List 2 current principal Suppliers and 3 current principal Subcontractors:

| Company | Material or Service Provided | Contact | Phone # |
|---------|------------------------------|---------|---------|
| | | | () |
| | | | () |
| | | | () |
| | | | () |
| | | | () |

District Use Only:

Supplier 1: Co. Name: _____

Spoke With _____ Annual Volume: _____

Pd. at terms: Yes: _____ No: _____ Last usage date: _____

Verified by District by _____ on _____

Comments: _____

Supplier 2: Co. Name: _____

Spoke With _____ Annual Volume: _____

Pd. at terms: Yes: _____ No: _____ Last usage date: _____

Verified by District by _____ on _____

Comments: _____

6. List experience record of staff:

| Name | Position | Time With Firm | Experience |
|------|----------|----------------|------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

SECTION 6 - FINANCIAL INFORMATION

A compilation financial statement is only required for projects under 1 million.

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

District Use Only:

Financial Capacity

The maximum dollar rating is determined by the lesser of the following:

- A. Ten times **working capital** (current assets less current liabilities) or
- B. Ten times the **net worth** (assets less liabilities)

Inability to meet this rating for a specific project will disqualify a contractor for that project.

Based on an _____ Audit or _____ Review Dated: _____

Circle one: Based on Working Capital Based on Net Worth \$ _____
Line of Credit \$ _____
Total \$ _____

COMPLETE THIS CERTIFICATE FOR AN AUDIT OF FINANCIAL STATEMENT

STATE OF: _____

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

In our opinion, the accompanying financial statement included on pages ___ to ___ inclusive, present fairly, in all material respects, the financial position of _____ as of _____, and the results of their operations and their cash flows for the year(s) then ended in conformity with generally accepted accounting principles.

Print name of Firm

Accountant must sign here _____

Telephone No. _____

License No. _____

COMPLETE THIS CERTIFICATE FOR A REVIEW ONLY OF FINANCIAL STATEMENT

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

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

Print name of Firm

Accountant must sign here _____

Telephone No. _____

License No. _____

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

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

ACCOUNTANT'S RELEASE LETTER

By signing the form below, I authorize this pre-qualifying agency to contact our company's licensed accounting firm to verify our most recent audited or reviewed financial statement. I understand the financial statement is confidential information and is not open to public inspection.

Company Name

Signature

Print Name & Title

Date

District Use Only:

Verified by District by _____ on _____ by speaking with _____

The following form may be completed by your financial institution to augment your financial rating. If it prefers, your institution may issue a Letter of Credit on its own letterhead, provided the Letter of Credit contains substantially the same provisions, and is addressed to the District and bears an original signature. A letter of credit is optional, not mandatory. It may be used to increase your financial capacity by the value of the letter of credit.

General lines of credit are not accepted. A letter of credit must be issued specifically to the district as outlined below to be used:

TO: _____
Awarding Agency

ATTENTION: _____
Dept.

SUBJECT: **GENERAL LETTER OF CREDIT**

Reference is made to the pre-qualification of: _____
Name of Contractor

We certify that the above Contractor has been extended an unqualified line of credit not to exceed \$ _____ and that such credit will not be withdrawn or reduced without 30 days written notice to the District.

Institution No. Code: _____

Name of Financial Institution _____

Address: _____

Signature _____ Date _____

Print Name & Title: _____
Name Title

FINANCIAL INSTITUTION RELEASE LETTER

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

By signing the form below, I authorize the pre-qualifying agency to contact our financial institution to verify our line of credit information. I understand this information is confidential information and is not open to public inspection.

Company Name

Signature

Print Name & Title

Date

SECTION 7 - AFFIDAVITS

SIGN ONE OF THE FOLLOWING AFFIDAVITS:

AFFIDAVIT OF AN INDIVIDUAL FOR A SOLE PROPRIETORSHIP

I, an individual, _____, doing business as _____, this _____
day of _____, 20____, in the city of _____, county of _____,
state of _____, hereby certifies and declares under penalty of perjury that the forgoing is true and
correct.

Signature of Applicant: _____

PARTNERSHIP AFFIDAVIT

I, a partner of _____, this _____ day of _____, 20____, in the city of _____, county of _____, state of _____, hereby certifies and declares under penalty of perjury that the forgoing is true and correct.

Signature of Applicant: _____

CORPORATION AFFIDAVIT

I, the _____ of _____, this _____ day of _____, 20____, in the city of _____, county of _____, state of _____, hereby certifies and declares under penalty of perjury that the foregoing is true and correct.

Signature of Applicant: _____

The submitter of the foregoing statement of experience and financial condition has read the same and it is true to the best of his knowledge. The statement is for the purpose of inducing the District to supply the submitter with plans and specifications and any depository, vendor, or other agency named therein is hereby authorized to supply the District with any information necessary to verify the statement. Should the foregoing statement at any time cease to properly and truly represent the financial condition of the submitter in any substantial respect, the submitter will refrain from further bidding on District work until a revised and corrected statement is submitted. **Attached is a certified copy of the minutes of the corporation indicating that the person whose signature appears below has authority to bind the corporation. For other types of organizations, provide evidence in a form and substance acceptable to the District (such as a Power of Attorney) that the person whose signature appears below has authority to bind the Contractor.**

If a corporation, answer this:

1. Capital paid in cash, \$ _____
2. When incorporated _____
3. In what state: _____

If a partnership, answer this:

1. Date of organization _____
2. State whether partnership is general, limited or association: _____
3. In what state: _____

Name and address of each partner:

President: _____

Vice Pres.: _____

Treasurer: _____

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

District Use Only:
ATTACH PAST PERFORMANCE - REFERENCES VERIFICATION SHEET

Exchange this page for all other appropriate attachments mentioned herein, such as financial statement, certificate of incorporation and minutes, etc., as well as any additional information you wish to add.

GENERAL CONDITIONS

1. The Applicant must provide current, accurate, and complete information. Incomplete or inaccurate documentation may result in denial of Pre-Qualification.
2. The District reserves the right to verify the information submitted by the Applicant, in any related documents, or by supplemental information or data as necessary. If it is determined that false information or data was submitted in conjunction with the Application, the District may deny Pre-Qualification, revoke previously granted approval, or, if an award has been made, may terminate the contract.
3. All costs associated with completion of the Application shall be borne by the Applicant. The District shall not, in any event, be liable for any expense incurred by the Applicant in connection with the preparation, completion or submission of the Application.
4. The District reserves the right to extend the Application submission deadline if such action is determined to be in the best interest of the District.
5. The District's Business and Contract Services Office has access to all information provided on the Application, related documents, and supplemental data. Should information or data provided in the Application indicate possible fraud, collusion, or intentional submission of false information, the matter may be referred to the District's Legal Counsel for further review and possible investigation independent of the Pre-Qualification process.
6. If the Applicant displays a significant lack of cooperation in facilitating verification of its information or providing data, the District, at its sole discretion, may deny the firm Pre-Qualification approval and declare the Applicant's bid or proposal to be non-responsive for the specific procurement.
7. The financial information submitted in conjunction with the Applicant's Application is considered confidential business information and will be afforded protection by the District to the fullest extent permitted by law.
8. Any dispute arising out of this Application or relating to Pre-Qualification in general shall be heard and determined in the Superior Court of the State of California, County of San Diego, or in the United States District Court for the Southern District of California. If an action is commenced against the District in jurisdictions other than the above courts, and the District is forced to compel compliance with this provision through court action, Applicant and its owners shall be liable for all expenses, including attorney's fees, incurred by the District in its effort to compel compliance.
9. The District reserves the right to revise the Application and instructions in whole or in part at any time.
10. The Pre-Qualification of a prospective Applicant shall neither limit nor preclude the District's subsequent consideration of a Pre-Qualified Applicant's responsibility on factors other than the prospective Applicant's financial qualifications. (See Public Contracts Code §20651.5.)

PROCEDURE FOR APPEAL OF PRE-QUALIFICATION RESULTS

A contractor may update his/her public works rating, or financial rating at any time without returning to the review panel since these amounts are not set by discretion.

If a clerical error, or an error of omission is discovered after a contractor is notified of the review panel's results, the contractor may submit the additional information. Staff may change the pre-qualification amounts for public works rating, or financial rating without returning to panel.

If a contractor appeals the review panel's decision, the district will call to order a three-member appeal panel made up management/supervisory staff. None of the appeal panel members shall have served on that contractor's review panel. The contractor or his/her representative is invited to appear in person to bring before the appeal panel any additional or new information. It is advisable to ask your district legal counsel to be in attendance or on call during the appeal. The panel advises the Contractor on the points where his/her rating has fallen below required limits, and allows the contractor to speak to the issues. The contractor is then released from the meeting and the panel members come to consensus on whether or not to allow the contractor to pre-qualify. The contractor is faxed notification of the appeal panel's decision at least 24 hours prior to bid opening. The Superintendent and/or the Governing Board may also be notified of any disqualification in case the contractor chooses to contact them.