



Palomar Community College District
Contract Services, Room A-128
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
For the period from July 1, 2022 through June 30, 2023

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

TABLE OF CONTENTS

Contents	Page
General Information	3
Submission of Completed Statements	4
Quick Check (Module 1)	4
Section 1: Contractor’s Statement of Experience & Financial Condition	5
Section 2: Rating Questions (Module 2)	7
Section 3: Insurance	9
Section 4: Surety Information.....	11
Section 5: Performance (Module 3)	14
Section 6: Financial Information.....	17
Section 7: Affidavits.....	20
General Conditions	23
Appeal Process.....	24

GENERAL INFORMATION

Public Contract Code §20651.5 permits the Governing Board of any Community College District to require each prospective bidder for a contract, as described under §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 §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. Only one copy of the Application is required to be submitted.

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.

In addition to prequalification by the District, all contractors must be registered with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5 in order to be qualified, submit a bid on, or to perform work on a public project over \$1,000.00. At all times during performance of the project, the bidder/contractor and **all** subcontractors, **of any tier**, must be registered with the DIR, subject to the following timelines: No contractor or subcontractor may be listed on a bid for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations (DIR) and no contractor or subcontractor may be awarded a contract from a public works project over \$1,000.00 (awarded on or after April 1, 2015) unless registered with the DIR per California Labor Code §1725.5. Subject to the timelines set forth above, bids submitted by contractors not registered with the DIR will be rejected as non-responsive.

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.

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 65 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. Failure to comply with SB854; register and qualify under the Department of Industrial Relations (<http://www.dir.ca.gov/Public-Works/PublicWorks.html>)
6. 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.

Prequalification is valid for a maximum of one year and expires on June 30 each year, at which time a prequalified contractor may fill out another application to extend their status through June 30 of the following year.

The District reserves the right to revoke the prequalified status of any contractor that is not performing appropriately on District projects or other projects. Any applicant denied has a right to appeal the decision. See page 23 for appeal process instructions.

Note 1: The District's Prequalification does not preclude a firm from any project specific prequalification required by District's contracted Construction Managers, nor is it a prerequisite for the same.

Note 2: If a firm's current ratio falls below the 1.20:1, the District reserves the right to review and consider other pertinent financial information and ratios.

Submission of Completed Statements

Mail completed applications along with the following:

- 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 (**Line of Credits are not accepted**)

To: Allen Young, Contract Services
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 am currently registered and qualify under the Department of Industrial Relations as per Section 1725.5 and 1771 of the Labor Code.

Yes: No:

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

Yes: No:

5. 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:

6. I am eligible to bid on 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

Contact Person: _____

Partnership

Address: _____

Sole Proprietor

City, State, Zip: _____

Joint Venture

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

Email Address: _____

License #: _____ Class: _____

Expiration 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?

If yes, list all name(s) and license number(s) on a separate sheet.

Yes:

No:

Pursuant to Labor Code §1725.5 and §1771 Contractor is currently registered as a contractor with the Department of Industrial Relations (DIR):

DIR Registration #: _____ DIR Expiration Date: _____

District Use Only:

Verified by District on _____ via CSLB _____ by speaking with: _____

License clear: Yes: ___ No: ___ DIR verified/clear: Yes: ___ No: ___

Tax ID Number: _____ Date Business Formed: _____

Number of Employees: Company-Wide: _____ Local-San Diego: _____

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?

Yes: No: **(If yes**, explain on separate signed page)

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

Yes: No: **(If yes**, explain on separate signed page)

4. Corporate Officers – Partners – Proprietor – Owners – Key Personnel: (Attach separate sheet if needed.)

Name	Position	Years with Firm	% of Ownership

5. List experience record of staff (Attach separate sheet if needed.)

Name	Position	Years with Organization	Experience

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

7. What size projects do you feel your company can undertake:
 Single job \$ _____ Total work in Progress: \$ _____

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

Dollar Amount	Number of Jobs	Year	Largest Job
\$ _____			\$ _____

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

10. 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 your 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 = 85 Points.

A score less than 65 points will disqualify you from the pre-qualification process.

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

Question	Response	Points <small>(For District Use Only)</small>
1. How many years has your organization been in business in California as a contractor under your present business name and license number? (Less than 3 yrs. = 1 pt., 3-6 yrs. = 3 pt., >6 = 5 pts.)	_____ Years	_____ pts.
2. How many years' experience does the principal of the firm have as a contractor? (Less than 3 yrs. = 1 pt., 3-6 yrs. = 3 pt., >6 = 5 pts.)	_____ Years	_____ pts.
3. Are the owners or principals of the firm in good standing with the Contractors' State License Board, or have they ever had their contractor's licensees suspended, put on probation or revoked? (Check One) (Good standing = 5 pts, , probation = 3 pts. suspended = 2 pts., Revoked = 0 pts..)	Good Standing Probation Suspended Revoked	_____ pts.
4. How many years has your organization completed construction work as a Contractor under the California Division of State Architect (DSA) Rules and Regulations? (Less than 3 yrs. = 1 pt., 3-6 yrs. = 3 pt., 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 the three most current completed contracts, how many unresolved change orders resulted in claims? (0 = 5 pts., 1-3 = 3 pts., >3 = 0 pts.)	_____ Claims	_____ pts.
9. *Has your organization been assessed liquidated damages in the past 5 years? (Yes = 0 pts., No = 5 pts.)	Yes No	_____ pts.
10. *Has your organization ever had insurance terminated by a carrier in the past 5 years? (Yes = 0 pts., No = 2 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 Workers' Compensation modification rate? (<1 = 5 pts., 1.0 – 1.5 = 3 pts., 1.51 – 2.0 = 2 pts., >2.0 = 0 pts.)	_____ Rate	_____ pts.
14. How many <u>school</u> 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.)	_____ Projects	_____ pts.
15. List your firm's Experience Modification Rate (EMR) for each of the past three premium years. (Note An EMR is issued to your firm annually by your workers' compensation insurance carrier). (3 years average under 1.0: Yes = 6 pts, No = 0 pts)	_____ Year _____ Rate _____ Year _____ Rate _____ Year _____ Rate	_____ pts.

Question	Response	Points (For District Use Only)
16. *Within the past 5 years, has any employee or entity filed a complaint against your organization 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.
17. *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.
18. *Has your organization or any officer of your organization 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 85

*If you answered “Yes” to questions 7-11, and/or 16-18,
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 Insurance Company: _____

Insurance Company Information

Name: _____

Address: _____

Phone: (____) _____

Contact: _____

<p>District Use Only:</p> <p>Certificate of Insurance attached? Yes: _____ Expiration date of insurance: _____</p> <p>Verified by District: _____ on _____ by: _____</p> <p>Comments: _____</p> <p>_____</p>
--

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:
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:

Letter of Bondability attached? Yes: _____ Dated: _____ Amount: S:_____/C: _____

Verified by District: _____ on _____ by: _____

How long has contractor been a client? a) _____ b) _____ c) _____

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 contract ever been suspended, dismissed or declared in default from a project during past two years? Yes: ___ No: ___

Comments: _____.

Has contractor ever declared bankruptcy or ever been placed in receivership within past five years?

Yes: ___ No: ___

Comments: _____.

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

Verified largest contract bonded through surety? \$ _____

Verified maximum size project surety would most likely bond for? \$ _____

Outstanding stop notices, liens currently unresolved on completed contracts? Yes:___ No:___

If yes, number: _____ Comments: _____

_____.

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

SECTION 5: Performance

Reference Interview Questions (Module 3)

Owner references: Required to submit three (3) Owner references for past projects completed.
Provide all Information.

1. Have you performed work for the Palomar Community College District in the past?

Yes: No:

*If you responded **Yes**, Palomar College will automatically become one of the required three (3) references and you shall only be required to submit two (2) additional Owner references.*

Please identify all Palomar College projects. (Attach separate sheet if needed.)

- Bid # _____ Project Name: _____
Contract Amount \$: _____ Year Completed: _____
- Bid # _____ Project Name: _____
Contract Amount \$: _____ Year Completed: _____
- Bid # _____ Project Name: _____
Contract Amount \$: _____ Year Completed: _____

2. List three (3) Owner references/projects completed for School Districts, preferably community college districts, in the last seven *(7) years not listed in item #2.(Attach separate sheet if needed.)

- a) Owner: _____ Contact Name & Phone #: _____ (____) _____
Job Description: _____
Contract Amount \$: _____ Year Completed: _____
- b) Owner: _____ Contact Name & Phone #: _____ (____) _____
Job Description: _____
Contract Amount \$: _____ Year Completed: _____
- c) Owner: _____ Contact Name & Phone #: _____ (____) _____
Job Description: _____
Contract Amount \$: _____ Year Completed: _____

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

- d) Owner: _____ Contact Name & Phone #: _____ (____) _____
Job Description: _____
Contract Amount \$: _____ Year Completed: _____
- e) Owner: _____ Contact Name & Phone #: _____ (____) _____
Job Description: _____
Contract Amount \$: _____ Year Completed: _____

Subcontractor/Supplier verification

4. List **2 current principal Suppliers** and **3 current principal Subcontractors**

Suppliers 1: Company Name: _____

Contact: _____ Phone: (____) _____

Material provided: _____

2: Company Name: _____

Contact: _____ Phone: (____) _____

Material provided: _____

Subcontract 1: Company Name: _____

Contact: _____ Phone: (____) _____

Services provided: _____

2: Company Name: _____

Contact: _____ Phone: (____) _____

Services provided: _____

3: Company Name: _____

Contact: _____ Phone: (____) _____

Services provided: _____

The following questions will be used by the District to interview randomly selected contacts from at least two (2) completed projects. The District will do this. **No action on your part is necessary.** These questions are shown for your information only. The highest possible score for these questions is 140 points. **A score less than 120 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)
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 subcontractors? (Max. 10 points)
8. How would you rate the quality of the installed work of the contractor / trade contractor? (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? (Max. 10 points)
12. Would you want to work with them again? (Max. 10 points)
13. Did the contractor provide timely and high quality submittals/shop drawings, including BIM coordination? (Max. 10 points)
14. Subcontractor / supplier questions: Does this contractor pay their bills on time? (Max. 10 points)

District Use Only:

Verification Supplier 1 & 2: Spoke with: _____ Annual Vol. \$ _____ Paid at terms Yes: __ No: __ Last usage date _____

Comments: _____

Verified by: _____ date: _____

Verification Supplier 2: Spoke with: _____ Annual Vol. \$ _____ Paid at terms Yes: __ No: __ Last usage date _____

Comments: _____

Verified by: _____ date: _____

SECTION 6: FINANCIAL INFORMATION

Reviewed or Audited statements will be required for projects under \$10 million.

Audited statements will be required for all construction projects totaling in excess of \$10 million.

Note: A compilation is not acceptable.

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:

Financial Capacity

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

Ten times working capital (current assets less current liabilities) or

Ten times net worth (assets less liabilities)

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

Based on an Audit or Review Dated: _____

Circle On: Based on Working Capital / Net Worth: \$ _____

Letter of Credit: \$ _____

Total: \$ _____

_____ current ratio (current assets divided by current liabilities)

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 outline below to be used:

TO: Palomar Community College District
Awarding Agency

ATTENTION: Contract Services – Prequalification
Department

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 letter 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: _____

City: _____ State: _____ Zip: _____

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 letter of credit information. I understand this information is confidential information and is not open to public inspection.

Company Name

Signature

Date

Print Name & Title:

Name: _____ Title: _____

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 foregoing is true and correct.

Signature of Applicant: _____ Date: _____

The submitter of the foregoing statement of experience and financial condition has read the same and it is true to the best of his/her 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. The person whose signature appears above is the individual who has authority to bind Contractor.

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 foregoing is true and correct.

Signature of Applicant: _____ Date: _____

Partnership, answer this:

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

Name, Title and address of each partner:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>City, State, and Zip</u>

(Attach a separate page if needed.)

The submitter of the foregoing statement of experience and financial condition has read the same and it is true to the best of his/her 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.

Provide evidence in a form and substance acceptable to the District (such as a Power of Attorney) that the person whose signature appears above has authority to bind Contractor.

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: _____ Date: _____

Corporation, answer this:

1. When incorporated: _____
2. In what state: _____

The submitter of the foregoing statement of experience and financial condition has read the same and it is true to the best of his/her 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.

***Provide a certified copy of the minutes of the corporation indicating that the person whose signature appears above has authority to bind the corporation.**

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

Exchange this page with the following documents:

- ***Provide copy of most recent certificate from the Secretary of State indicating the standing of the Corporation;***
- ***Provide copy of the certified minutes of corporation meeting which approved authorized signer to bind corporation;***
- ***Provide latest financial statement: Audit or Reviewed financials;***
- ***Include 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 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

Any Applicant denied Pre-Qualification has a right to appeal the decision. The Applicant has five (5) business days from the date of the Denial Notification to file a written appeal with the District's Department of Contract Services, at the Application submittal address shown above. The District will call to order a three-member Review Panel for appeals. None of the Review Panel members shall have participated in the prior review of the Application. Upon receipt of the written appeal, the Review Panel will meet to address the appeal. The Panel may consult with District counsel during its review. The Panel will examine the appeal and the facts surrounding the determination before making a decision. The Panel's decision is the final decision of the District. There are no further administrative appeals. The District's formal contract protest procedure is not applicable or available in this appeal process.