

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: May 16, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of the Issuance of a Request for Qualifications for the Purpose of Pre-Qualifying General Contractors for the Construction of the Piedmont Community Pool Project

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RECOMMENDATION:

Authorize staff to issue a Request for Qualifications (RFQ), on June 1, 2022 or shortly thereafter, in order to pre-qualify General Contractors interested in bidding on construction of the Piedmont Community Pool Project.

BACKGROUND:

Due to the unique nature of the Community Pool Project, the City has determined that a Contractor Prequalification effort is in the City's best interest so as to provide the best value to the community. The pre-qualification process utilizes the State of California's Department of Industrial Relations' *Pre-Qualification of Contractors Model Questionnaire* as its base template. That template was modified and customized to include the objectives of the City, as well as information regarding the scope of work and design intent for the Community Pool. Mr. George Sanen, of Griffin Structures, the firm providing Owner's Representative/Project Management Services, led the effort to prepare the proposed RFQ. Clarence Mamuyac, of ELS; Paul Benoit, Special Assistant to the City Administrator; and David Rosenthal of the City Attorney's Office, participated in the creation and vetting of the contents of this document.

The intent of the prequalification process is to ensure that the pool of General Contractors bidding on the Community Pool project is comprised only of firms that have been determined fully capable of successfully constructing the Project. Only those General Contractors meeting the criteria required under this RFQ will be invited to submit bid proposals.

ATTACHMENT

- A) General Contractor Pre-Qualification Questionnaire for the Piedmont Community Pool



**GENERAL CONTRACTOR  
PRE-QUALIFICATION QUESTIONNAIRE  
FOR THE  
PIEDMONT COMMUNITY POOL**

**Release Date:** June 1, 2022

**Submission Due Date:** July 1, 2022 by 2:00 p.m.

REQUEST FOR QUALIFICATIONS shall be delivered to:

John O. Tulloch, Assistant City Administrator / City Clerk  
120 Vista Ave., Piedmont, CA 94611



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The City of Piedmont seeks to pre-qualify General Contractors for the construction of the new Community Pool Center ("Project"), and hereby invites sealed pre-qualification submittals from licensed Contractors.

Notice is hereby given that the City of Piedmont has determined that General Contractor bidders on this Project must be pre-qualified prior to submitting a bid on this Project. The pre-qualification evaluation is solely for the purpose of determining which General Building Contractors are deemed qualified to successfully construct the Project.

Only Contractors in possession of a valid Class A or B Contractors license are allowed to bid on the Project.

It is **mandatory** that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all requested materials, and be approved by the City of Piedmont to be on the final qualified bidders list.

**FILING OF SUBMITTALS: On or before 2:00 pm, July 1, 2022.**

All submittals must be filed in a sealed package labeled:

"City of Piedmont Community Pool Project - Contractor Prequalification"

**To: Assistant City Administrator/City Clerk: John O. Tulloch  
City of Piedmont  
120 Vista Ave.  
Piedmont, Ca. 94611**

Pre-Qualification submittal packages may be obtained at:

[https://piedmont.ca.gov/services\\_departments/public\\_works/city\\_projects](https://piedmont.ca.gov/services_departments/public_works/city_projects)

Or by contacting:

George Sanen CCM, DBIA, LEED AP  
Sr. Program and Construction Manager  
Griffin Structures  
GSanen@griffinstructures.com  
415-858-8582

It is the sole responsibility of the Contractor to see that the Pre-Qualification Submittal is received before the stated deadline.

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**PROJECT TEAM**

**OWNER CITY OF PIEDMONT**

120 Vista Avenue  
Piedmont Ca. 94611  
Sara Lillevand, City Administrator (510) 420-3040  
slillevand@piedmont.ca.gov

**PROJECT MANAGER / OWNER'S REPRESENTATIVE**

**GRIFFIN STRUCTURES**

1 Technology Dr. Bldg. I, Suite 829  
Irvine, Ca. 92618  
George Sanen CCM, DBIA ,LEED AP (415) 858-8582  
GSanen@griffinstructures.com

**ARCHITECT OF RECORD**

ELS Architecture and Urban Design  
2040 Addison Street  
Berkeley, Ca. 94704  
Clarence D. Mamuyac, Jr., FAIA, LEED AP BD+C  
President/CEO (510) 549-2929  
cmamuyac@elsarch.com

Kim-Van Truong, AIA, LEED AP BD+C, Assoc. DBIA  
Associate Principal  
(510) 549-2929  
ktruong@elsarch.com

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### **PROJECT DESCRIPTION**

The existing Piedmont Community Pool and related infrastructure will be demolished, and a new aquatics facility will encompass the present site as well as adjacent City-owned land. The Project site is approximately 1.17 acres and is generally bound by the Recreation Building to the west, Magnolia Avenue to the south, Bonita Avenue to the east and the Corey Reich Tennis Center to the north.

The project was developed to address the needs of competitive swim and water polo, instruction, water fitness, and recreational users of all ages. The project features two bodies of water, a deep-water competitive pool and a shallow leisure or recreation pool. The competitive pool includes a 27-meter competition pool and two springboard positions. This 6,949 square foot (27-meter x 25 yard) pool would serve a variety of programs including competitive swim and water polo practices as well as dual meets and matches, lap swim, aquatics camps, clinics and instruction, and recreational swimming/diving.

In addition to the competitive pool, the project includes a 3,175 square foot, zero-depth entry recreation pool that may feature an activity structure, spray features and small waterslide. The leisure pool, as currently proposed, includes a 25 yard, 3-lane instructional area for swim lessons and lap swim. Together, the two pools, as conceived, would provide the Piedmont community with 10,124 square feet of water.

The project also includes a 6,740 square foot, single story aquatics support building at the northeast corner of the property with an accessible roof-top pavilion. The aquatics support building ground floor features a main entry and reception area, changing /restrooms, concessions, pool deck multipurpose room and pool equipment space. The roof-top pavilion includes restrooms for the adjacent tennis courts, storage area and an observation deck overlooking the two pools and views of the Bay.

The project shall meet the intent of LEED Gold Certification and will be All-Electric.

The engineer's estimate for this project is \$19,400,000.

For additional information regarding the current designs for this project, please see **Attachment A "Project Renderings."** Final designs will be available with issuance of the final bidding and contract documents.

### **PROJECT SCHEDULE**

The current tentative **Project Schedule** is as follows:

Pre-Qualification of Contractors:	.....June 2022 – July 2022
Project Bidding/ RFP:	..... August 2022 – September 2022

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Award Project: .....October 2022  
 Start Construction: .....November 2022  
 Estimated construction duration .....15 months

**PRE-QUALIFICATION SCHEDULE**

Advertisement Inviting Pre-Qualification Submittals:.....Wednesday, 06/01/22  
 Final Date for Submission of Bidder Questions:.....Friday, 06/17/22  
 Submissions Due:..... 2:00 pm, Friday, 07/01/22  
 Selection Notification..... on, or about 7/22/22

**GENERAL**

The City is seeking qualified Class “A” or “B” General Contractors with construction experience of at least four (4) projects demonstrating comparable experience. Please see Part III Similar Project Experience (page 23) for a definition of “comparable experience.” Additional requirements apply for specific swimming pool work and concrete pool deck work experience, as further described below

Each prospective Contractor must successfully complete the pre-qualification questionnaire, provide all requested materials in the required form, and be approved by the City of Piedmont to be on the final qualified bidders list. The City of Piedmont will not accept submission of incomplete or late documentation. Incomplete documentation will result in the rejection of the prospective Contractor.

Answers to all questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required.

The City of Piedmont reserves the right to unilaterally adjust, increase, limit, suspend, or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes significantly after pre-qualification that disqualifies them will be notified and given an opportunity for a hearing consistent with the hearing procedures described below to appeal a pre-qualification rating.

The City will not be liable for any cost incurred by any Contractor in connection with this pre-qualification process, including the preparation of its submittal package.

**PRE-QUALIFICATION GUIDELINES**

Each prospective Contractor must successfully complete the pre-qualification process outlined in this document. No other pre-qualification process completed for the City of Piedmont or any other agency will meet these requirements.

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Prospective Contractors must submit “Statements of Qualifications” (SOQ) by completing the Pre-Qualification Submittal Questionnaire package. The City will not accept information or documents from other parties. Submission of incomplete and/or unclear Pre-Qualification Submittal Questionnaire or other required materials will result in rejection of the prospective contractor.

Any questions or requests for information must be submitted in writing to:

**George Sanen CCM, DBIA, LEED AP.**  
Sr. Program and Construction Manager  
Griffin Structures, Inc.  
Email: GSanen@griffinstructures.com

**PREPARATION OF PRE-QUALIFICATION SUBMITTALS**

The submittal information should be presented in a binder and separated by section dividers. Oversize drawings (larger than 11”x17”), if provided, should be folded and inserted into plastic carriers. **Three (3) hard copies and one (1) electronic copy in \*.PDF** format of the Pre-Qualification Submittal shall be delivered to the City of Piedmont. The completed Pre-Qualification Submittal should not exceed 50 pages. The City of Piedmont reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted.

**EVALUATION AND ANALYSIS**

Pre-qualification of prospective contractors will be determined from the information submitted in each Pre-Qualification Questionnaire Submittal. The City of Piedmont reserves the right to verify from other available sources the information provided by the Contractor and to rely upon such information gathered during the verification process. The City of Piedmont’s decision will be based on objective evaluation criteria. Further consideration of a prospective contractor’s qualifications will be made only if the prospective contractor meets all of the following minimum requirements:

1. Submission of a properly completed and signed Declaration
2. Possession of the valid California Contractors “A” or “B” License in good standing
3. Meet bonding capacity requirements
4. Meet insurance requirements
5. Demonstration of General Contractor’s Similar Project Experience
6. Demonstration of Contractor’s Project Manager/Field Superintendent Comparable Experience
7. No completion of work by surety in the last 15 years
8. Satisfactory History with the Department of Industrial Relations (DIR)
9. Meet financial requirements



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Note: this project is subject to Prevailing Wage requirements per DIR requirements. Any contract that is subsequently bid and awarded must comply with all prevailing wage requirements. This project is not subject to a Project Labor Agreement (PLA) but is encouraging participation by union contractors by offering 5 additional points on Part IIB to contractors who are parties to one or more collective bargaining agreements.

The Pre-Qualification Questionnaire Submittal Analysis Form that will be used to verify minimum qualifications is included. The City of Piedmont will screen each responding prospective Contractor's statement for minimum qualifications and develop a list of Pre-Qualified Contractors.

City of Piedmont reserves the right to reject any or all responses to pre-qualification questionnaires and any or all subsequent bids for construction projects, and to waive any irregularities in any response to the pre-qualification application.

While it is the intent of the pre-qualification questionnaire and required documents to assist the City in determining bidder responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City of Piedmont from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work on the new Community Pool project.

All financial and proprietary information provided by prospective contractors will be kept confidential to the extent permitted by law. However, by submitting the pre-qualification packet, the Contractor agrees that the contents of the submittal may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, or in any appeal hearing. Also, the names of prospective contractors applying for pre-qualification status will be subject to disclosure.

### **APPEALS PROCEDURE**

Any contractor who the City determines to not pass the pre-qualification process shall have the right to request review of the determination. The contractor shall request review by delivering to the City Administrator a written notice requesting a review. The contractor shall deliver such written notice to the City Administrator within five (5) business days of being notified that the Contractor has been determined not to be qualified and the basis for the determination. The Contractor waives its right to challenge the City's decision if it fails to deliver the notice within the five (5) business days.

The City Administrator or her designee shall conduct an appeals hearing no later than ten (10) business days following receipt of the contractor's written notice. The hearing conducted shall be informal but will be an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and present reasons in

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opposition to the determination. The City Administrator shall consider all evidence, information and arguments submitted by the contractor relevant to the City's determination, the City's response to such evidence, information and arguments, and any other information the City Administrator deems relevant. Promptly following the hearing, the City Administrator shall issue a written decision regarding the matter, which shall be final and binding.

**STATEMENT OF UNDERSTANDING**

The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. The undersigned hereby agrees and declares that receipt of this submittal by the City of Piedmont does not constitute either a direct or implied guarantee to the Contractor that pre-qualification is or will be granted and also agrees to the procedures and conditions of the pre-qualification requirements described in the Pre-Qualification Document.

- (1) Legal Name of Applicant (Contractor) \_\_\_\_\_  
\_\_\_\_\_
- (2) Address of Applicant (Contractor) \_\_\_\_\_  
\_\_\_\_\_
- (3) Phone Number \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_
- (4) Applicant is a ( ) Corporation ( ) Partnership ( ) Sole Proprietorship ( ) Joint Venture
- (5) If Contractor is a Corporation, name the State of Incorporation \_\_\_\_\_
- (6) Total number of years the Contractor has been contracting \_\_\_\_\_
- (7) Total number of years the Contractor has been in construction \_\_\_\_\_  
\_\_\_\_\_
- (8) Banking institution authorized to provide corroboration of applicant's financial stability:  
  
Name: \_\_\_\_\_

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Address: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone \_\_\_\_\_

- (9) Is the Contractor signatory to any collective bargaining agreement (Yes or No). If  
yes please provide affiliate information:

\_\_\_\_\_

- (10) If awarded the contract for the project, will Contractor self-perform (with its own  
forces) the swimming pool work? (Yes or No). If no, identify the one (1) swimming  
pool subcontractor Contractor wishes to pre-qualify [name and city]:

\_\_\_\_\_

- (11) If awarded the contract for the project, will Contractor self-perform (with its own  
forces) the concrete pool deck work? (Yes or No). If no, identify the one (1)  
concrete pool deck subcontractor Contractor wishes to pre-qualify [name and city]:

\_\_\_\_\_

*[Remainder of page blank]*

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(12) Execution:

The undersigned is a legally authorized representative of the Contractor. The legal name of the Contractor is \_\_\_\_\_

State of California

Contractor's License Number: \_\_\_\_\_ Type: \_\_\_\_\_

Expiration: \_\_\_\_\_

\_\_\_\_\_, being first duly sworn, says that all statements and information contained in this Submittal are complete and accurate and that this Submittal contains no false or deliberately misleading information.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

Expiration Date: \_\_\_\_\_

**END OF FORM**

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**PART I: ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

**IMPORTANT NOTE:**

**Contractor will be immediately disqualified if the answer to any of questions 1 through 8 is “no.”**

**Contractor will be immediately disqualified if the answer to any of questions 9 through 13 is “yes.” If the answer to question 11 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.**

1. Contractor possesses a valid and current California Class “A” or “B” General Contractor’s License in good standing for this project for which it intends to submit a bid.  
☐ Yes      ☐ No
2. Contractor has (or can provide proof that they can obtain within ten (10) business days prior to award) an insurance policy(ies) consistent with Attachment B “City of Piedmont Insurance Requirements”.  
☐ Yes      ☐ No
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.  
☐ Yes      ☐ No
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information  
☐ Yes      ☐ No

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

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California), which states that your current bonding capacity is at least \$25,000,000 for a single project, and \$100,000,000 aggregate, should you be selected?<sup>1</sup>  
☐ Yes      ☐ No

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<sup>1</sup> An additional notarized statement from the surety may be requested by the City of Piedmont at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

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**NOTE: Notarized statement must be from Surety Company, not an agent or broker.**

6. Contractor has completed at least four (4) comparable projects in the last twelve (12) years? See Part IIIA: Similar Project Experience Questionnaire (Contractor Experience Requirements) for criteria.  
☐ Yes      ☐ No
7. Contractor itself, or Contractor's proposed swimming pool subcontractor, \_\_\_\_\_ [insert name from Statement of Understanding Question (10), or N/A], has performed the swimming pool work on at least five (5) completed pool projects in the last twelve (12) years. See Part IIIB(1): Similar Project Experience Questionnaire (Swimming Pool Subcontractor Experience Requirements) for criteria.  
☐ Yes      ☐ No
8. Contractor itself, or Contractor's proposed concrete pool deck subcontractor, \_\_\_\_\_ [insert name from Statement of Understanding Question (11), or N/A], has performed the pool deck work on at least five (5) completed pool projects in the last twelve (12) years? See Part IIIB(2): Similar Project Experience Questionnaire (Concrete Pool Deck Subcontractor Experience Requirements) for criteria.  
☐ Yes      ☐ No
9. Has your contractor's license been revoked at any time in the last fifteen (15) years?  
☐ Yes      ☐ No
10. Has a surety firm completed, or is in the process of completing, a contract on your behalf, or has paid for completion because your firm was default terminated by the project owner within the last fifteen (15) years?  
☐ Yes      ☐ No
11. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded any local, state or federal public works contracts, or perform as a subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?  
☐ Yes      ☐ No

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

Starting \_\_\_\_\_ Ending \_\_\_\_\_

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12. At any time during the last fifteen (15) years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

☐ Yes      ☐ No

13. In the last fifteen (15) years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes      ☐ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

**PART II: QUESTIONNAIRE**

**Section A. Current Organization and Structure of the Business**

**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 (10%) of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 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 fifteen years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.**

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Person's Name	Construction Firm	Dates of Person's Participation with Firm

**For Firms That Are Partnerships:**

- 1a. Date of formation: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each partner who owns ten percent (10%) or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

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

***NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.***

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



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**For Firms That Are Sole Proprietorships:**

- 1a. Date of commencement of business: \_\_\_\_\_
- 1b. Social security number of company owner: \_\_\_\_\_
- 1c. 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 fifteen (15) years.

***NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.***

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

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

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

Name of firm	% Ownership of Joint Venture

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**Section B. History of the Business and Organizational Performance**

1. Is your firm signatory to one or more collective bargaining agreements with Union Shops. If so, please list them here:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Yes      ☐ No

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

2. Has there been any change in ownership of the firm at any time during the last fifteen (15) years?

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

☐ Yes      ☐ No

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

3. Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm?

**NOTE: Include descriptive and background information about other firms if one firm owns fifty percent (50%) or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

☐ Yes      ☐ No

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

4. Are any corporate officers, partners or owners connected to any other construction firms?

**NOTE: Include descriptive and background information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.**

☐ Yes      ☐ No

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

5. State your firm’s gross revenue for each of the last three (3) years:

2019

2020

2021

\_\_\_\_\_

6. How many years has your organization been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ Years

**6 years or more = 3 points**

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**8 years or more= 4 points**

**10 years or more = 5 points**

7. Was your firm in bankruptcy at any time during the last fifteen (15) years?

☐ Yes      ☐ No

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

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

***Licenses***

8. List all California construction license numbers, classifications and expiration dates of the California Contractor Licenses held by your firm:


9. If any of your firm’s license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the California Contractors State License Board (CSLB) records who meet(s) the experience and examination requirements for each license.


10. Has your firm changed names or license number in the past fifteen (15) years?

☐ Yes      ☐ No

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

11. Has any owner, partner, or (for corporations) officer of your firm operated a construction firm under any other name in the last fifteen (15) years?

☐ Yes      ☐ No

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

12. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last fifteen (15) years?

☐ Yes      ☐ No

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

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

***Disputes***

- 13    At any time in the last fifteen (15) 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?

☐ Yes      ☐ No

***No projects with liquidated damages of more than \$10,000, = 5 points***

***Two (2) projects with liquidated damages of more than \$10,000 = 3 points***

***Any other answer: 0 points***

If yes, explain on a separate signed page, identifying all such projects by owner, owner’s address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

- 14    In the last fifteen (15) years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

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

☐ Yes      ☐ No

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

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

\* \* \* \* \*

**NOTE: The following two (2) questions refer to disputes between your firm and the owner of a project as well as 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 about amounts of less than \$10,000.**

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15. In the past fifteen (15) years has any claim **against** your firm concerning your firm's work on a construction project been **filed in court or arbitration?**

☐ Yes      ☐ No

**5 points for "No"**

**1 point for "Yes" indicating 1 such instances**

**Subtract 5 points for "Yes" if more than 2 such instances**

If "yes," on separate signed sheets of paper identify the claim(s) individually by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or resolved, including a brief description of the resolution).

16. In the past fifteen (15) 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?**

☐ Yes      ☐ No

**5 points for "No"**

**1 point for "Yes" indicating 1 such instances**

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

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

\* \* \* \* \*

17. At any time during the past fifteen (15) 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?

☐ Yes      ☐ No

**5 points for "No"**

**1 point for "Yes" indicating 1 such instances**

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

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the

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method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

18. In the last fifteen (15) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes      ☐ No

**5 points for "No"**

**2 points for "Yes" indicating 1 such instances**

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

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

***Criminal Matters and Related Civil Suits***

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

☐ Yes      ☐ No

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

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

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

☐ Yes      ☐ No

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

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

21. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes      ☐ No

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

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

***Bonding***

22. Bonding capacity: \_\_\_\_\_

Provide documentation from your surety identifying the following:

Name of bonding company/surety: \_\_\_\_\_  
\_\_\_\_\_

Name of surety agent, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. If your firm was required to pay a premium of more than one percent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last five (5) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent (1%), if you wish to do so.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***5 points if the rate is no more than one per cent***

***3 points if the rate was no higher than 1.10 per cent***

***0 points for any other answer***

24. List all other sureties (name and full address) that have written bonds for your firm during the last five (5) years, including the dates during which each wrote the bonds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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- 25 During the last fifteen (15) years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes      ☐ No

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

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

**Section C. Compliance with Regulatory Requirements**

**Safety and Workers Compensation**

26. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past twelve (12) years?

**NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.**

☐ Yes      ☐ No

***5 points for “No”***

***3 points for “Yes” indicating 1 such instances***

***0 points for “Yes” if more than 2 such instances***

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

27. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past twelve (12) years?

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

☐ Yes      ☐ No

***5 points for “No”***

***3 points for “Yes” indicating 1 such instances***

***0 points for “Yes” or if more than 2 such instances***



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

28. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past twelve (12) years?

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

☐ Yes      ☐ No

**5 points for “No”**

**3 points for “Yes” indicating 1 such instances**

**0 points for “Yes” or if more than 2 such instances**

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

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

---

**5 points for an answer of once each week or more often**

**0 points for any other answer**

30. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:

**NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.**

Current year: \_\_\_\_\_

Previous year: \_\_\_\_\_

Year prior to previous year: \_\_\_\_\_

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

**2 points for three-year average of EMR of more than .95 but no more than 1.00**

**0 points for any other EMR**

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

31. Within the last fifteen (15) years has there ever been a period when your firm had employees without workers’ compensation insurance or state-approved self-insurance?

☐ Yes      ☐ No

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***5 points for "No"***

***0 points for any other answer***

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by 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 Compliance Record***

32. Has there been any occasion during the last fifteen (15) years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **State's** prevailing wage laws?

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

☐ Yes      ☐ No

***5 points for "No"***

***0 points for any other answer***

If "yes", attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

33. During the last fifteen (15) years, has there been any occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal** Davis-Bacon prevailing wage requirements?

☐ Yes      ☐ No

***5 points for "No"***

***0 points for any other answer***

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

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### **PART III    SIMILAR PROJECT EXPERIENCE QUESTIONNAIRE**

Part III is a verification of the answer provided in Part I Essential Requirements, Questions 6 through 8. Part IIIA (Contractor Experience Requirements) verifies Question 6, and Parts IIIB(1) (Swimming Pool Subcontractor Experience Requirements) and IIIB(2) (Concrete Pool Deck Subcontractor Experience Requirements) verify Questions 7 and 8, respectively.

Respondents whose experience is not verifiable according to the following criteria shall be disqualified as failing to meet the Essential Requirements.

#### **Part IIIA—Contractor Experience Requirements**

Contractor shall provide information about four (4) recent comparable projects, all of which must have been successfully completed within the last fifteen (15) years. All 4 projects must meet the minimum criteria:

1. Minimum project value of \$21,000,000
2. Projects must be similar in size or complexity to any combination of the following project types:
  - a. Public Sector: Community Pool, Aquatic Center, Recreation Facility, High School or Higher Education facility with Pool Facilities, Performing Arts Theater, Senior Center, Police Facility, Library, Community Center with pool facilities.
  - b. Private Sector: Community Center with Pool facilities, Hotels with pool facilities, Mixed Use Developments with pool facilities.
  - c. Site Improvements including wet and dry utilities, site landscape, retaining walls, and site concrete.
3. At least two (2) of the projects must be public use aquatic facilities and include all aspects of pool construction including, excavation, shell construction, pool electrical, pool plumbing, pool mechanical, and pool deck construction similar to the project. For purposes of Part IIIA only, Contractor need not have self-performed any of those specific work scopes.
4. At least (2) of the projects must demonstrate structural steel construction.
5. At least one (1) of the projects must be LEED Silver Certified.
6. Additional 10 points will be assigned if any of the qualifying projects are all-electric and/or NZE projects.

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**General Contractor Experience Requirements: Reference 1**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

**General Contractor Experience Requirements: Reference 2**

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Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

**General Contractor Experience Requirements: Reference 3**

Project Name: \_\_\_\_\_

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Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

**General Contractor Experience Requirements: Reference 4**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

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Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract

sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

**Part IIIB(1)—Swimming Pool Subcontractor Experience Requirements**

Contractor certifies that the swimming pool subcontractor identified in Statement of Understanding Question (10), or Contractor if no name is included there, meets the following qualifications and experience requirements

1. Subcontractor has derived 50% of its annual revenue from public-use swimming pool construction for each of the last five (5) years.
2. Subcontractor has, in the last (12) years, constructed at least five (5) commercially designed municipal and public-use swimming pools, each of which have incorporated a minimum size of 6,000 square feet of water surface area with a concrete and ceramic tile perimeter overflow gutter and self-modulating balance tank.

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3. The following list of projects meet the requirements of item 2. above and include a contact as reference by the project Contractor, the Owner or their agent or designee.

a. Contractor/Owner: \_\_\_\_\_  
 Scope of Project: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Architect for Project: \_\_\_\_\_

b. Contractor/Owner: \_\_\_\_\_  
 Scope of Project: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Architect for Project: \_\_\_\_\_

c. Contractor/Owner: \_\_\_\_\_  
 Scope of Project: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Architect for Project: \_\_\_\_\_

d. Contractor/Owner: \_\_\_\_\_  
 Scope of Project: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Architect for Project: \_\_\_\_\_

e. Contractor/Owner: \_\_\_\_\_  
 Scope of Project: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Architect for Project: \_\_\_\_\_

**Part IIIB(2)—Concrete Pool Deck Subcontractor Experience Requirements**

Contractor certifies that the concrete pool deck subcontractor identified in Statement of Understanding Question (11), or Contractor if no name is included there, meets the following qualifications and experience requirements:

1. Subcontractor has, in the last twelve (12) years, constructed at least five (5) commercially designed pool decks over perimeter gutters, each of which have



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incorporated a minimum size of 6,000 square feet of water surface area of the swimming pool.

2. The following list of projects meet the requirements of section 1. above and the contact as reference by the project Contractor, the Owner or their agent or designee.

a. Contractor/Owner: \_\_\_\_\_  
Scope of Project: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Architect for Project: \_\_\_\_\_

b. Contractor/Owner: \_\_\_\_\_  
Scope of Project: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Architect for Project: \_\_\_\_\_

c. Contractor/Owner: \_\_\_\_\_  
Scope of Project: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Architect for Project: \_\_\_\_\_

d. Contractor/Owner: \_\_\_\_\_  
Scope of Project: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Architect for Project: \_\_\_\_\_

e. Contractor/Owner: \_\_\_\_\_  
Scope of Project: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Architect for Project: \_\_\_\_\_

**PART IV ORGANIZATIONAL RESOURCES**

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Staff Roster/Functions

1. Contractor shall furnish an organization chart that includes all supervisory positions anticipated to be assigned to the Project. Indicate therein which ones are full time on site and which are part time.

List key members of your staff whom you consider candidates to be assigned to work as a full-time team member resident on this Project and complete all requested information as shown below.

Key, full-time candidate team members must include, without limitation:

1. Project Manager and 2. Superintendent. Use separate sheets of paper that contain all of the following information:

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Number of Years with Firm: \_\_\_\_\_

Proposed Function on the Project: \_\_\_\_\_

Number of Years in Current Position: \_\_\_\_\_

Number of Projects (in job function) Completed: \_\_\_\_\_

Number of Years in Construction Industry: \_\_\_\_\_

Include a minimum of two (2) projects, in a supervisory role, of similar type and scale as described in Section III: Similar Project Experience Questionnaire. On separate sheet provide project description, value, dates of construction, references and reference contact information for each project.

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

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## **SCORING INSTRUCTIONS**

The scorable questions are in two sections above:

Part II – Section B History of the business and organizational performance;

Part II – Section C Compliance with occupational safety and health laws, workers' compensation and other labor legislation;

### The Scores Needed for Pre-Qualification

To pre-qualify, a contractor would be required to qualify under Part I and Part IV, and then have a passing grade within each of the two large categories in Part II referred to above.

Section B, "History of the business and organizational performance,"

For the 14 scorable questions, the prospective contractor is required to meet a passing score of 51 on this portion of the questionnaire (of a maximum score of 68 on this portion of the questionnaire).

Section C, "Compliance with occupational safety and health laws, workers' compensation and other labor legislation"

For the 8 scorable questions, the prospective contractor is required to meet a passing score of 27 on this portion of the questionnaire (of a maximum score of 40 points on this portion of the questionnaire).

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**ATTACHMENT A  
PROJECT RENDERINGS**





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**ATTACHMENT B**

City of Piedmont Insurance Requirements

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BIDDERS' ATTENTION IS DIRECTED TO THE INSURANCE REQUIREMENTS BELOW AND IN STANDARD SPECIFICATIONS SECTIONS 3-1.07, "INSURANCE POLICIES," and 7-1.06, "INSURANCE."

IT IS HIGHLY RECOMMENDED THAT BIDDERS CONFER WITH THEIR RESPECTIVE INSURANCE CARRIERS OR BROKERS TO DETERMINE IN ADVANCE OF BID SUBMISSION THE AVAILABILITY OF INSURANCE CERTIFICATES AND ENDORSEMENTS AS PRESCRIBED AND PROVIDED HEREIN. IF AN APPARENT LOW BIDDER FAILS TO COMPLY STRICTLY WITH THE INSURANCE REQUIREMENTS, THAT BIDDER MAY BE DISQUALIFIED FROM AWARD OF THE CONTRACT OR THE AWARD MAY BE REVOKED AND SUFFER LOSS OF BID BOND.

Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, Contractor's agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

Standard Specifications Section 7-1.06, "Insurance," is amended to include the following:

(a) Minimum Scope of Insurance

Coverage shall be at least as broad as:

- (1) Insurance Services Office form number GL 0002 (Ed. 1/73) covering Comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" form GC 0001).
- (2) Insurance Services Office form number CA 0001 (Ed. 1/78) covering Automobile Liability, code 1 "any auto" and endorsement CA 0025.
- (3) Worker's Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance.

(b) Minimum Limits of Insurance

Contractor shall maintain limits no less than:

- (1) General Liability: \$2,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general

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aggregate limit shall apply separately to this Project/location or the general aggregate limit shall be at least \$20,000,000.

- (2) Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation and Employers Liability: Worker's compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

(c) Deductibles and Self-insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

(d) Other Insurance Provision

The policies are to contain, or be endorsed to contain the following provision:

- (1) General Liability and Automobile Liability Coverages
  - (A) The City of Piedmont, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the Contractor, products and completed operations of the Contractor, premises owned, occupied or used by the Contractor, or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Piedmont, its officers, officials, employees, or volunteers. The endorsement providing this additional insured coverage shall be equal to or broader than ISO Form CG 20 10 11 85 and must cover joint negligence, completed operations, and the acts of subcontractors.
  - (B) The Contractor's insurance coverage shall be primary insurance as respects the City of Piedmont, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Piedmont, its officers, officials, employees, or volunteers shall be excess of the Contractor's Insurance and shall not contribute with it.
  - (C) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City of Piedmont, its officers, officials, employees, or volunteers.

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- (D) The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(2) Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the City of Piedmont, its officers, officials, employees, or volunteers for losses arising from work performed by the Contractor for the City of Piedmont.

(3) All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty days prior written notice by certified mail, return receipt required, has been given to the City of Piedmont.

(e) Acceptability of Insurers

Insurance is to be placed with insurers with a Best's rating of no less than A-:VII and be authorized to conduct business with regard to the proffered lines of insurance in the State of California.

(f) Verification of Coverage

Contractor shall furnish the City with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms approved by the City. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(g) Subcontractors

Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

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