

ANNOUNCEMENT OF PREQUALIFICATION PROCEDURES FOR
CONSTRUCTION CONTRACTORS

Notice is hereby given by the Liberty Union High School District (“District”) that prime or general contractors and mechanical, electrical and plumbing (“MEP”) subcontractors (as defined in Public Contract Code section 20111.6) planning to participate in bidding on certain public projects to be undertaken by the District, must be prequalified prior to submitting bids for such public projects. Pursuant to Public Contract Code Section 20111.6 bidders on all public projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involves a projected public project expenditure of one million dollars (\$1,000,000) or more, must be pre-qualified.

Prequalification application packages are available on the District’s website at www.luhsd.net. Packages are also available on Procore. To request access to Procore, please contact Maria Galligan at maria.galligan@lahropconstruction.com.

This prequalification packet includes a questionnaire and financial statement, to be verified under oath. The District will use the information and documentation required by the packet to prequalify general contractors and MEP subcontractors in accordance with Public Contract Code section 20111.6.

Approved contractors will be prequalified with the District for the period beginning January 1, 2021 and ending December 31, 2021.

Questionnaire

All questions in the questionnaire must be answered. If a question is not applicable, then indicate a response of “N/A”. “You” or “Yours” as used herein refers to the prospective bidders’ firm and any of its owners, officers, principals and qualifying individuals. Any references to owners, officer, principals or partners herein shall include any qualifying individuals including any RME or RMO. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, 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 prospective bidder becomes inaccurate, the prospective bidder must immediately notify the District and provide updated accurate information in writing, under penalty of perjury. Each prospective bidder shall have a duly authorized owner, officer or principal complete the questionnaire and verify the truth of the information provided therein and in the financial statement.

Financial Statement

In addition to completing the attached questionnaire, each prospective bidder must submit its most current reviewed or year-end audited financial statement included in the attached questionnaire which must have been prepared by a certified public accountant within twelve (12) months of each prospective bidder's submission of the prequalification package or, subject to the District's sole discretion to approve and accept, may provide a signed separate letter verifying that accountant has complied with specific requirements necessary and has audited the bidder's financial statements, Each prospective bidder must also provide its most current financial statement, which must have been prepared within three (3) months of each prospective bidder's submission of the prequalification package.

Finally, each prospective bidder must submit a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California) which states your current bonding capacity.

Financial statements submitted with this prequalification package shall not be prepared by any individual who is in the regular employ of the firm submitting the statement, nor by any individual or entity who has more than a ten percent (10%) financial interest in the firm's business. If the individual or entity that prepared a financial statement submitted with this prequalification package has any financial interest in the firm's business, the firm shall notify the District of such financial interest in a separate signed statement accompanying this prequalification package.

Submission

Prequalification packages must be received at the address below prior to 4:00 p.m. on Friday, November 20, 2020. The prequalification packages should be sealed, marked "**Confidential Prequalification**" and mailed to the following:

Liz Robbins
Chief Business Officer
Liberty Union High School District
20 Oak Street
Brentwood, CA 94513

The questionnaire answers and financial statements included in the prequalification packages submitted by prospective bidders are not public records and are not open to public inspection. All such information provided will be kept confidential to the extent permitted by law, although the content may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of any subsequent proceedings. State law requires that the names of contractors applying for prequalification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Evaluation by the District

The District will evaluate the information provided and issue each submitting prospective bidder a rating of “Prequalified” or “Not Prequalified.” The District’s decision will be based on the information provided, references, and such additional outside information as the District in its discretion deems reasonable and necessary to obtain. The District may, but is not obligated to, investigate the truth of any statements or information provided by a prospective bidder in response hereto.

Prequalification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the prequalification ratings based on subsequently learned information and after giving notice of the proposed action to the prospective bidder and an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification determination.

While it is the intent of the prequalification questionnaire and documents required herein to assist the District in determining bidder responsibility prior to the submission of bids and to aid the District in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the District from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

Appeal

A prospective bidder who has timely submitted a completed application form, and who receives a rating of “Not Prequalified” from the District may appeal that determination. There is no appeal from a finding that a prospective bidder is not prequalified because of a late application or a failure to submit required information. A prospective bidder may appeal the District’s decision with respect to its request for prequalification, by giving written notice to the District no later than five (5) business days after receipt of notice of its qualification status. Notice shall be sent to the address listed above. Unless a prospective bidder files a timely appeal, the prospective bidder waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. The District reserves the right to resolve appeals before or after bid opening or award of any contract. The date for submission and opening of bids for a specific project and any subsequent contract award will not be delayed or postponed to allow for completion of an appeal process.

After receipt of a request for appeal, the District will provide the prospective bidder any supporting evidence that has been received from others or adduced as a result of an investigation by the District. The appealing prospective bidder will be provided an opportunity to rebut any evidence. The District, in its sole discretion, may conduct a hearing regarding the prospective bidder’s timely appeal. If such a hearing is conducted, the prospective bidder consents to the District’s Chief Business Officer, or his or her designee, to act as the hearing officer

Bidding

Bids will not be accepted from any prospective bidder that did not timely submit a completed prequalification questionnaire and supporting documents, including financial statements, to the District. Omission of requested information, falsification of information, or failing to use the forms provided by the District may result in a finding of “not prequalified”.

MEP subcontractors (licensed pursuant to Section 7058 of the Business and Professions Code, specifically contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses) must also meet prequalification requirements on all projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involves a projected expenditure of one million dollars (\$1,000,000) or more. If a project includes electrical, mechanical, or plumbing components that will be performed by MEP subcontractors, a list of prequalified general contractors and MEP subcontractors will be made available by the District to all bidders at least five (5) business days prior to the dates fixed for the public opening of sealed bids.

If a general contractor uses any MEP subcontractor required for any project, such MEP subcontractor must be prequalified pursuant to these prequalification forms and requirements. If a MEP subcontractor in any general contractor bid is not prequalified, that bid will not be accepted.

Prospective bidders are warned that a project may have specific requirements that differ or are in addition to being properly prequalified pursuant to these documents. A determination that a contractor or MEP subcontractor is prequalified pursuant to these documents does not automatically mean a contractor or MEP subcontractor meets all of the requirements of a specific project. Prospective bidders are instructed to carefully review the requirements for each project before submitting a bid.

The District reserves the right to amend the prequalification packet at any time. The District reserves the right to waive minor irregularities and omissions in the information contained in the prequalification application submitted and to make all final determinations. Additionally, a determination by the District that a prospective bidder is prequalified does not amount to a final determination that such prospective bidder is responsible or responsive for purposes of bid evaluation. The District may, in accordance with applicable law reject a prequalified contractor’s bid, and the District may additionally reject all bids if it determines such action is in the best interest of the public.

