



PREQUALIFICATION POLICY AND INSTRUCTIONS

FRESNO UNIFIED SCHOOL DISTRICT
PURCHASING SERVICES

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FRESNO, CALIFORNIA 93722

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ANNOUNCEMENT OF PREQUALIFICATION PROCEDURES FOR FRESNO UNIFIED SCHOOL DISTRICT

In accordance with Section 20111.6 of the Public Contract Code, Notice is hereby given that the Fresno Unified School District ("District") has determined that All Contractors submitting bids to perform as both a Prime Contractor and **General Contractor (A or B license)**, or **Electrical, Mechanical, and Plumbing** Contractors utilized as either a Prime Contractor or Subcontractor (as defined in Section 4113) involving a projected project total of one million dollars (\$1,000,000) or more must be prequalified prior to submitting bids. Notification of which projects are subject to prequalification will be included in the applicable bid documents.

As defined in Section 4113 of the Public Contract Code, in the word "subcontractor" shall mean a contractor who contracts directly with the prime contractor. "Prime contractor" shall mean the contractor who contracts directly with the awarding authority.

For projects subject to prequalification, General Contractor, Electrical, Mechanical, and Plumbing subcontractors are contractors pursuant to Section 7058 of the Business and Professions Code holding an "A", "B", C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 license.

Bidders may submit their applications during:

- Throughout calendar year;
- For projects out to bid and subject to prequalification:
 - a) Bidders may submit a completed prequalification application during the bidding process. A submittal deadline will be included in bid documents.
 - b) A notification of prequalified bidders will be made available via addendum at least five (5) business days prior to the date fixed for receipt of bids.

Prequalification applications are available on the District's Purchasing Department website at:

<https://www.fresnou.org/dept/purchasing> (under public works menu).

Complete the Contractor prequalification application to bid as a Prime contractor or Subcontractor. **Contractors submitting an application and given a "qualified" status will be added to the prequalified contractors lists.**

It is mandatory that all Contractors who intend to submit bids fully complete the prequalification questionnaire, provide all materials requested herein, and be approved by the District to be on the "**Prequalified Contractors List**". No bid will be accepted from a Contractor that has failed to comply with these requirements. 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.

Answers to questions contained in the attached questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental

information, are required. The District's decision will be based on objective evaluation criteria and references.

Prequalification approval will remain valid for one calendar year following the date of initial prequalification, 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 Contractor 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 therewith 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. Contractors are encouraged to submit prequalification applications as soon as possible, so that they may be notified of prequalification status well in advance of the bid process.

The prequalification applications should be sealed, marked "CONFIDENTIAL PREQUALIFICATION", prominently marked with "BID NO." and "TITLE" (if applicable), and mailed or personally delivered to the attention of: **Fresno Unified School District, Purchasing Department, 4498 N. Brawley Avenue, Fresno, CA 93722.**

The prequalification applications (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of an appeal hearing. 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 may at the District's discretion be used for that purpose.

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 Contractor becomes inaccurate, the Contractor must immediately notify the District and provide updated accurate information in writing, under penalty of perjury.

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.

A contractor who has submitted a completed application form, and who receives a rating of "**not qualified**" from the District may appeal that determination. There is no appeal from a finding that a contractor is not prequalified because of a late application or a failure to submit required information, but re-application during one of the designated "prequalification periods" is permitted. The date for submission and the date fixed for receipt of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Unless a Contractor files a timely appeal, the Contractor 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.

1. Appeal must be filed in writing with the Executive Director of Purchasing within two business days after receipt of the prequalification determination.
2. The Executive Director of Purchasing will convene a meeting with the requestor to attempt to resolve the problem.
3. In the event the appeal is not resolved, the appeal will be referred to the Superintendent or his designee, normally the Chief Financial Officer.
4. Should the appeal not be resolved at this level, it shall be referred to the Board along with all documentation regarding the appeal and the responses at each level.
5. The Board will not act upon an appeal until each of the proceeding steps has been exhausted.

Note:

1. A contractor may be found not prequalified for bidding on a specific public works contract to be let by the District, or on all contracts to be let by the District until the contractor meets the District's requirements. In addition, a contractor may be found not prequalified for either:
 - (a.) Omission of requested information or
 - (b.) Falsification of information
2. Prime Contractors must use prequalified subcontractors holding A, B, C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses in order for their bid to be "responsive".
3. Subcontractors holding A, B, 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 be prequalified in order for their bid to be "responsive".
4. District reserves the right to reject bids as non-responsive for any of the following reasons:
 - a) Prime Contractor is not on the prequalified Contractors List.
 - b) Prime Contractor listed in bid an Electrical, Mechanical, or Plumbing subcontractor not on the prequalified Contractors List.

IMPORTANT PROVISIONS OF THE LAW

Section 20111.6 is added to the Public Contract Code, and requires the governing board of the school district to prequalify contractors for construction projects according to:

Public projects for which the governing board of the district uses funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond for a public project that involves a projected expenditure of one million dollars (\$1,000,000) or more. **Effective January 1, 2016, all projects regardless of funding source involving a projected project total of one million dollars (\$1,000,000) or more will be subject to prequalification process (AB 566).**

The governing board of the district shall require that prospective bidders for a construction contract complete and submit to the district a standardized prequalification questionnaire and financial statement. The governing board of the district shall adopt and apply a uniform system of rating bidders on the basis of the completed prequalification questionnaires and financial statements. The questionnaires and financial statements shall not be public records and shall not be open to public inspection.

A proposal form shall not be accepted from any person or other entity that is required to submit a completed questionnaire and financial statement for prequalification or from any person or other entity that uses a subcontractor that is required to submit a completed questionnaire and financial statement for prequalification, but has not done so at least 10 business days prior to the date fixed for receipt of bids or has not been prequalified for at least 5 business days prior to that date.

Bidders shall include the general contractor and, if utilized, all electrical, mechanical, and plumbing subcontractors. If a public project covered by this section includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, a list of prequalified general contractors and electrical, mechanical, and plumbing contractors shall be made available by the school district to all bidders at least five business days prior to the dates fixed for receipt of bids. For purposes of this prequalification, electrical, mechanical, and plumbing subcontractors are contractors 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, pursuant to regulations of the Contractors' State License Board.

This section shall become inoperative on January 1, 2019, and, as of July 1, 2019, is repealed.