

Fresno Unified School District  
Board Agenda Item

Board Meeting Date: June 21, 2023

**AGENDA ITEM A-6**

**AGENDA SECTION: A**

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

**ACTION REQUESTED: Adopt**

(Adopt, Approve, Discuss, Receive, etc.)

**TITLE AND SUBJECT: Adopt Resolution 23-76, Authorizing Fresno Unified School District to Pre-Qualify Prospective Bidders for Construction Contracts**

**ITEM DESCRIPTION:** Included in the Board binders is Resolution 23-76, Authorizing Fresno Unified School District to Pre-Qualify Prospective Bidders for Construction Contracts. Assembly Bill (AB) 2031 requires pre-qualification of prospective bidders for public works projects costing one million dollars (\$1,000,000) or more for which the district uses funds received under the state school facilities program including any future state school bond.

Adoption of the standardized contractor and subcontractor questionnaire (attached to the resolution as exhibits), and uniform system of rating to evaluate submittals, will make Fresno Unified compliant with AB 2031. The questionnaires conform to the Department of Industrial Relations questionnaire based on Public Contract Code 20101. They apply to general contractors, and electrical, mechanical and plumbing subcontractors. Prequalification applications are to be submitted through Quality Bidders at <https://www.qualitybidders.com/>.

In addition to meeting the requirements of AB 2031, the district recommends approval of the pre-qualification program for prospective bidders on public works contracts as it represents the best interest of the district by reducing the use of unqualified and or inexperienced contractors leading to increased construction costs, prevailing wage violations, unsafe working conditions, and less than quality work. Prequalification is intended to help remedy these concerns. Fresno Unified has, and will continue to, pre-qualify contractors and or subcontractors as necessary on a project-by-project basis (for example, swimming pool subcontractors).

**FINANCIAL SUMMARY:** There is no fiscal impact to the district at this time.

**PREPARED BY:** Ann Loorz,  
Executive Director

**DIVISION:** Operational Services  
**PHONE NUMBER:** (559) 457-3134

**CABINET APPROVAL:** Paul Idsvoog,  
Chief Operations and Classified Labor  
Management Officer

**SUPERINTENDENT APPROVAL:**



---



---

**FRESNO UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 23-76 RESOLUTION OF THE BOARD OF TRUSTEES OF THE FRESNO  
UNIFIED SCHOOL DISTRICT  
IMPLEMENTING PRE-QUALIFICATION OF CONSTRUCTION CONTRACTORS AND  
DELEGATION OF AUTHORITY FOR IMPLEMENTING PRE-QUALIFICATION ON  
FUTURE PROJECTS**

**WHEREAS**, Public Contract Code Section 20111.5 authorizes the governing board of a school district to require that each prospective bidder for a construction contract complete and submit to the school district a standardized questionnaire and financial statement in a form specified by the school district ("Questionnaire"); and

**WHEREAS**, Public Contract Code Section 20111.6 requires the governing board of a school district with an average daily attendance over two thousand five hundred (2,500) to pre-qualify bidders for public works projects using any funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond for a public project with a projected expenditure of one million dollars (\$1,000,000) or more; and

**WHEREAS**, the Questionnaire is required to include a complete statement of the prospective bidder's financial ability and experience in performing public works; and

**WHEREAS**, the Questionnaire and financial statement must be verified under oath by the bidder in the manner in which civil pleadings and civil actions are verified; and

**WHEREAS**, the Questionnaire is not a public record and is not to be opened to public inspection; and

**WHEREAS**, each Questionnaire submitted by a prospective bidder will be scored in accordance with an established point system; and

**WHEREAS**, Public Contract Code Sections 20111.5(b) and 20111.6 require any school district requiring prospective bidders to complete and submit a Questionnaire to adopt and apply a uniform system of rating bidders on the basis of the completed Questionnaire in order to determine the size of the contracts upon which each bidder will be deemed qualified to bid ("Uniform System"); and

**WHEREAS**, a school district may not accept a proposal from any potential bidder who is required to submit a Questionnaire in accordance with Public Contract Code Section 20111.6, but has not done so at least ten (10) days prior to the date fixed for receipt of bids, or has not been pre-qualified by the school district in accordance with Public Contract Code Section 20111.6(f) at least five (5) days prior to the date fixed for receipt of bids; and

**WHEREAS**, a school district may not accept a proposal from any potential bidder who is required to submit a Questionnaire in accordance with Public Contract Code Section 20111.5(a), but has not done so at least five (5) days prior to the date fixed for receipt of bids, or has not been pre-qualified by the school district in accordance with Public Contract Code Section 20111.5(b) at least one (1) day prior to the date fixed for receipt of bids; and

**WHEREAS**, Notwithstanding the foregoing recital, pursuant to Public Contract Code Section 20111.5(e), a school district may establish a process for pre-qualifying prospective bidders and may authorize their pre-qualification to be considered valid for up to one (1) calendar year following the date of initial pre-qualification;

**NOW THEREFORE, THE GOVERNING BOARD OF FRESNO UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE:**

Section 1. In accordance with Public Contract Code Section 20111.5(a) and Public Contract Code 20111.6, the Governing Board ("Board") establishes a pre-qualification program for construction contracts that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, as well as any future projects where the District desires to pre-qualify contractors ("Pre-qualification Program").

Section 2. The Pre-qualification Program shall utilize the Questionnaires attached hereto as Exhibits "A" and incorporated herein.

Section 3. In accordance with Public Contract Code Sections 20111.5(b) and 20111.6, the Fresno Unified School District adopts the Uniform System of allocating points set forth in the document attached hereto as Exhibits "B" with respect to the District's review of any submitted Questionnaires. Any potential bidder who submits a Questionnaire that does not meet the above-referenced criteria set forth in this section shall be considered not qualified and rejected.

Section 4. The Questionnaire shall be completed by any potential bidder in conformance with Public Contract Code Sections 20111.5 and 20111.6.

Section 5. With respect to construction contracts that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, and any future projects that require pre-qualification of contractors, each prospective bidder must be pre-qualified in conformance with the Pre-qualification Program prior to submitting a bid.

Section 6. In submitting any bids for construction contracts that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, and any future projects that require pre-qualification of contractors, the District will furnish each prospective bidder a standardized proposal form that when completed and executed, will constitute such potential bidder's bid ("Proposal").

Section 7. A Proposal shall not be accepted from any person or other entity for any construction contracts that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more who: (1) has not submitted a Questionnaire at least ten (10) business days prior to the date fixed for receipt of bids for such construction contract in accordance with Public Contract Code Section 20111.6(f); and (2) who has not been pre-qualified for at least five (5) days prior to the date fixed for receipt of bids for such contract, in accordance with Public Contract Code Section 20111.6(f).

Section 8. As to construction contracts outside the purview of Public Contract Code Section 20111.6 that require pre-qualification, a Proposal shall not be accepted from any person or other entity for any other construction contract who: (1) has not submitted a Questionnaire at least five (5) days prior to the date fixed for receipt of bids for such construction contract in accordance with Public Contract Code Section 20111.5(b); and (2) who has not been pre-qualified for at least one (1) day prior to the date fixed for receipt of bids for such contract, in accordance with Public Contract Code Section 20111.5(c).

Section 9. Once pre-qualified pursuant to this section, such pre-qualification shall be valid for up to one (1) calendar year following the date of initial pre-qualification.

Section 10. The Board hereby delegates to the District's Executive Director, Purchasing the authority to determine whether a potential bidder shall be considered pre-qualified.

The foregoing Resolution was adopted at a meeting of the Board of Education of the Fresno Unified School District this 21st day of June, 2023, by the following vote:

AYES: 7

NOES: 0

ABSTAIN: 0

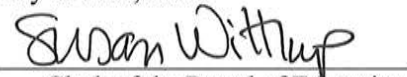
ABSENT: 0

I, Genoveva Islas, President of the Fresno Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.



President of the Board of Education  
Fresno Unified School District

I, Susan Witttrup, Clerk of the Board of Education of the Fresno Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Fresno Unified School District Governing Board at a regular meeting thereof held on the 21st day of June, 2023, by the above described vote of the Governing Board; IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fresno Unified School District Governing Board this 21st day of June, 2023.



Clerk of the Board of Education  
Fresno Unified School District