

PRE-QUALIFICATION PROCEDURES FOR CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS PURSUANT TO PUBLIC CONTRACT CODE SECTION 20111.6

Notice is hereby given by the William S. Hart Union High School District (“District”) that all 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 pre-qualified prior to submitting bids for such public projects. Pursuant to Public Contract Code Section 20111.6, bidders on all public projects using funds received under the Leroy F. Greene School Facilities Act of 1998 or any funds from a future state school bond, with an expenditure of one million dollars (\$1,000,000) or more, must be pre-qualified.

The District accepts pre-qualification applications online through the QualityBidders web-based tool available at: <https://hart.qualitybidders.com>. A link to the QualityBidders online application is also available on the District’s Purchasing & Bids Department website at: www.hartdistrict.org.

The pre-qualification application includes a questionnaire and requires the submission of a recent financial statement, which are to be verified under oath. The District reserves the right to verify information with other available sources. The District will use the requested application information and documentation to pre-qualify general contractors and MEP subcontractors in accordance with Public Contract Code Section 20111.6.

Timeline

The District currently accepts pre-qualification applications on a quarterly basis, between the following dates: (1) January 1 through January 10; (2) April 1 through April 10; (3) July 1 through July 10; (4) October 1 through October 10. Pre-qualification approval will remain valid for up to one (1) calendar year from the approval notification date. Contractors are encouraged to submit pre-qualification applications early within the application period to ensure application information is complete and accurate. The District will not accept applications after the submission deadline noted below.

Contractors are encouraged to submit pre-qualification applications as soon as possible to ensure notification of pre-qualification status well in advance of a bid process. In order to submit a valid bid for any public project requiring pre-qualification, contractors must submit the pre-qualification questionnaire, a financial statement, and all other requested materials at least ten (10) business days prior to the date fixed for the public opening of sealed bids. All contractors must be deemed pre-qualified to bid at least five (5) business days prior to that date.

Questionnaire

The District's questionnaire is available online via the QualityBidders system at: <https://hart.qualitybidders.com>. A link to the QualityBidders online application is also available on the District's Purchasing & Bids Department website at: www.hartdistrict.org. All questions in the questionnaire must be answered. "You" and "your" used in the questionnaire refers to the contractor's firm, and any of its owners, officers, or partners, including any responsible managing employee or responsible managing officer. If two or more business entities submit a bid as a Joint Venture, or expect to submit a bid as a Joint Venture, each entity within the Joint Venture must separately be pre-qualified to bid. Each questionnaire must include a Pre-Qualification Declaration signed under penalty of perjury in the manner designated at the end of the application, 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. Each contractor shall have a duly-authorized owner, officer, or partner complete the questionnaire and verify the truth of the information provided therein and in the financial statement.

Financial Statement & Surety Statement

In addition to completing the online questionnaire, each contractor must upload its most current reviewed or year-end audited financial statement with accompanying notes and supplemental information, which has been prepared by a certified public accountant within twelve (12) months of the application submission. In the event the reviewed or year-end audited financial statement is older than three (3) months, please also upload a current financial statement prepared within three (3) months of the application submission. The contractor's accountant must sign the appropriate Certificate of Financial Statement included in the questionnaire, or subject to the District's sole discretion to approve and accept, may provide a signed separate letter verifying that the accountant has complied with the Certificate's specified requirements in reviewing or auditing the contractor's financial statements.

Financial statements submitted with the pre-qualification application shall not be prepared by an individual who is in the regular employ of the firm, nor by any individual or entity who has more than a ten (10) percent financial interest in the firm's business. If the individual or entity that prepared a financial statement submitted with the pre-qualification application has any financial interest in the firm's business, the firm shall notify the District of the financial interest in a separate signed statement to be uploaded with the pre-qualification application.

Finally, each contractor 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) stating the contractor's current bonding capacity. The notarized statement must be from the admitted surety insurer itself and not from a broker, agent, or other entity not the admitted surety.

Submission Confidentiality

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 contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of any subsequent appeal proceedings. Please note state law requires that the names of contractors applying for pre-qualification status be public records subject to disclosure.

Evaluation by the District

The District will evaluate the application information provided and issue contractors a rating of “Pre-qualified,” “Not pre-qualified,” or “Pre-qualified up to [DOLLAR VALUE]”. If the rating is “Pre-qualified up to [DOLLAR VALUE]”, the contractor’s qualified limit will be the lessor of the following (stated in US currency): (a) the largest public works contract the contractor has fully performed within the last five (5) years (as defined by the original contract price, plus additive or deductive change orders), plus ten (10) percent; or (b) the contractor’s bonding capacity (as determined by the surety with which the contract currently has the highest bonding limit).

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 in a contractor’s response. While the pre-qualification questionnaire and required document submissions are intended 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 pre-qualification, nor any pre-qualification rating, will preclude the District 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 a specific project, and has demonstrated the requisite trustworthiness.

Pre-qualification approval will remain valid for up to one (1) calendar year from the approval notification date, except the District reserves the right during that calendar year to adjust, increase, limit, suspend, or otherwise rescind the pre-qualification rating based on subsequently learned information and after giving notice of the proposed action to the contractor, including an opportunity for a hearing consistent with the appeals procedures described below.

Bidding

Bids will not be accepted from any contractor that did not timely submit a completed pre-qualification 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 pre-qualified”.

MEP subcontractors (licensed pursuant to Section 7058 of the Business and Professions Code, specifically 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 pre-qualification requirements on all projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from a future state school bond with an expenditure of one million dollars (\$1,000,000) or more. **If a project includes components that will be performed by MEP subcontractors, a list of pre-qualified 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 for any project, such MEP subcontractor must be pre-qualified pursuant to these pre-qualification requirements. If a MEP subcontractor in any general contractor bid is not pre-qualified, that bid will not be accepted.

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

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

Appeals

A contractor who has timely submitted a completed application form, and who receives a rating of "Not pre-qualified" or "Pre-qualified up to [DOLLAR VALUE]" from the District may appeal that determination. There is no appeal from a finding that a contractor is not pre-qualified because of a late application or a failure to submit required information. **A contractor may appeal the District's decision with respect to its request for pre-qualification, 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 attention of Mons Mendoza, Senior Project Manager at prequalify@hartdistrict.org, or 21380 Centre Pointe Parkway, Santa Clarita, CA 91350.** Unless a contractor files a timely appeal, the contractor waives any and all rights to challenge the District's pre-qualification decision, 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 bid submission and opening for a specific project and any subsequent contract award will not be delayed or postponed to allow for an appeals process completion.

After receipt of a request for appeal, the District will provide the contractor any supporting evidence that has been received from others or adduced as a result of an investigation by the District. The appealing contractor will be provided an opportunity to rebut any evidence. The District, in its sole discretion, may conduct a hearing regarding the contractor's timely appeal. If such a hearing is conducted, the contractor consents to the District's Superintendent, Chief Operations Officer, and/or Chief Financial Officer to hear and oversee the appeals proceedings.

Questions

Pre-qualification questions should be submitted to the District, including questions regarding the status of pre-qualification application approvals or any general questions regarding the District's pre-qualification requirements or policies. **Submit questions to: Mons Mendoza, Senior Project Manager, at prequalify@hartdistrict.org, (661) 259-0033 x275, 21380 Centre Pointe Parkway, Santa Clarita, CA 91350.**

Technical questions regarding the online application software should be directed to QualityBidders at gbsupport@colbitech.com. Include the type and version of internet browser, along with specific information about any problem encountered in completing the application.

Checklist of Documents Needed to Complete Application

All required forms are available for download within the QualityBidders application system at <https://hart.qualitybidders.com> or from the District's Purchasing & Bids Department website at www.hartdistrict.org. All documents noted with a * must be uploaded into the QualityBidders application system in order to complete the pre-qualification application.

- Complete Questionnaire, including any and all supplemental information required pursuant to responses (questionnaire available online at <https://hart.qualitybidders.com>)
- Reviewed or Audited Financial Statement(s) (with accompanying notes and supplemental information)*
- Current Certificate of Insurance for Liability Coverage*
- Notarized Statement and Letter of Bondability from Admitted Surety*
- Table of Contents from Established Safety/Injury Prevention Program*
- Current Workers Compensation Carrier Statement (verifying coverage for last five years; or if in business for less than five years, statement verifying coverage since starting business)*
- Certificate of Financial Statement Form (select appropriate one of two forms) *
- Accountant's Release Letter Form (if applicable)
- Pre-qualification Declaration Form*