



HAYWARD AREA RECREATION AND PARK DISTRICT

REQUEST FOR PREQUALIFICATION AND PREQUALIFICATION QUESTIONNAIRE FOR CONTRACTORS FOR DISTRICT PROJECTS

November 30, 2020

The Hayward Area Recreation and Park District (“District”) has determined that contractors on the following District projects (“Contractor(s)” or “Firm(s)”) must be prequalified prior to submitting a bid or proposal on each project. To prequalify, Contractors must submit the Contractor Prequalification Questionnaire attached hereto as **Attachment No. 1** (“Prequalification Questionnaire”) and receive written notification from the District that the Contractor is prequalified with the District.

Projects are:

- **San Lorenzo Community Park Renovation – Phase 2:**

Tentative Bid Date: February/March 2021

Located at 1970 Via Buena Vista in San Lorenzo, this second phase renovation of the San Lorenzo Community Park addresses a 14-acre area requiring renovation. The design for both Phase 2 and the 16-acre Phase 1 (completed in 2017) are by RRM Landscape Architects. The renovated park area will include a baseball field, three soccer fields (one synthetic turf and two natural grass), two dog parks, a children’s play area, parking lot renovation, prefabricated restroom and maintenance buildings, site furnishings, paving, fencing, signage, planting and irrigation.

The adjacent 8,200 S.F. San Lorenzo Community Center (SLZ-CC) and a portion of the surrounding exterior area will be addressed under a separate Phase 3 contract, bidding in late-spring 2021. Contractor will be required to build Phase 2 park construction along a defined phasing line of work and coordinate with construction of Phase 3 if necessary.

- **Tennyson Park Renovation:**

Tentative Bid Date: August/September 2021

This 10-acre park is located in at 28377 Huntwood Ave in South Hayward. The facility currently consists of a ballfield, basketball court and skateboard park. A new playground (Mia’s Dream Come True Playground) and an outdoor fitness court have been recently completed within Tennyson Park, and are not included in this solicitation. Those improvements will need to remain open and accessible to the general public and be protected during construction of the Tennyson Park Renovation project.

RRM Design Group prepared the construction documents for the Tennyson Park Renovation project. The improvements includes a 90-foot baseball diamond with natural grass and cinder infield, a soccer field to be overlain on the baseball field, community event plaza with specialty paving, , covered group picnic shelter, small open picnic areas, net climber, pump track, modifications to the existing skateboard park, accessible hoops plaza, one full and two half-basketball courts, parking lot, walking loop with pathway lighting, landscaping with bioretention basins, irrigation, security cameras, and site furnishings throughout the park.

Packages for each Project are available for review via download at:

https://haywardrec-my.sharepoint.com/:f/g/person/lacb_haywardrec_org/Egw12vargQdBjc9ANHXTFqUBRx8M0r3gSKPaF8A4580oDg?e=RTYeSf

Prequalification with the District applies to:

- A Contractor with an A or B license(s) that intends to bid as a **general contractor** (prime contractor) directly to the District.

Form Submission. Contractors must complete the Prequalification Questionnaire; no other prequalification documents submitted by a Contractor will meet the District’s requirements. All Contractors shall submit completed questionnaires and financial statements electronically as follows:

Location	Date
Hayward Area Recreation and Park District 1099 “E” Street Hayward, California 94541 Attn: Michael C. Williams wmsm@haywardrec.org	No later than 5:00 pm December 30, 2020

All submissions must be electronically submitted to the above email.

Maximum size of electronic submittal is 20MB. If electronic package is larger than maximum size, Submitter is responsible to deliver a download link before deadline, wherein required submittal materials can be successfully downloaded. Submitter is responsible for the successful download of all material.

References. The District reserves the right to contact any representative at Contractor’s previous projects to gather information about the Contractor and/or to base the District’s prequalification determination on a scoring of Contractor’s references’ responses to questions.

Updates. Contractors who are prequalified must immediately update their prequalification questionnaire if a Contractor’s status or information provided in the questionnaire changes. The District reserves the right to adjust, suspend, or rescind the prequalification rating of any Contractor based on subsequently learned information.

Non-responsiveness. A Contractor’s prequalification questionnaire shall be deemed nonresponsive if, without limitation, the Contractor’s prequalification questionnaire is not returned on time, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Contractor, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported).

Validity of Prequalification. Contractor’s prequalification with the District shall remain valid one (1) calendar year from the initial date of Contractor’s prequalification with the District.

Rejection/Waiver/Request. The District reserves the right, in its sole discretion, to reject any or all prequalification questionnaires, to waive irregularities in any prequalification questionnaire or to request further information or documentation from any Contractor.

Public Records. The names of Contractors seeking prequalification are public information. Pursuant to Public Contract Code sections 20101, each Contractor’s questionnaire and financial statements “shall not be public records and shall not be open to public inspection.” However, the contents of Contractor’s prequalification questionnaires and financial statements may be disclosed to third parties for purposes of clarification or investigation of material allegations or in any appeal process.

Appeal. A Contractor may appeal the District’s prequalification determination. If a Contractor decides to appeal the District’s prequalification determination, that Contractor must follow the following procedures:

1. Contractor shall submit, in writing, any time prior to the receipt of bids on a Project for which the Contractor seeks to dispute its qualification determination, a request for a written response from the District to explain the District's determination, and, if requested, any supporting evidence that has been received from others or adduced as a result of an investigation by the District.
2. Within five (5) Business Days from receipt of the District's written response to the Contractor's request, Contractor may submit, in writing, a request for a meeting with the District's staff. Contractor may submit with the request any and all information that it believes supports a finding that District's determination should be changed.
3. District staff shall hold a meeting with the Contractor. If the Contractor continues to contest the District's determination after that meeting with District staff, then the Contractor may address the Board at the next public noticed meeting of the District's governing board, pursuant to the governing board's procedures for public comment. **TO PRESERVE THE CONTRACTOR'S RIGHT TO CHALLENGE THE DISTRICT'S DETERMINATION, THE CONTRACTOR SHALL ADDRESS THE BOARD AT THE NEXT PUBLIC NOTICED MEETING OF THE BOARD AFTER CONTRACTOR'S MEETING WITH DISTRICT STAFF.**
4. **FAILURE OF A CONTRACTOR TO TIMELY FOLLOW ALL APPEAL STEPS SHALL BE A WAIVER OF THE CONTRACTOR'S RIGHT TO APPEAL THE DISTRICT'S DECISION.**

Evaluation Procedure

- 1) PASS/FAIL QUESTIONS: After timely receipt of a Contractor's submittal package of qualifications, the Pass/Fail Questions will be evaluated. If questions 1 and 2 are answered 'No' AND questions 3, 4, 5 & 6 are answered 'Yes', the qualifications review WILL NOT continue to the Score Questions. You will not be eligible for prequalification at this time.
- 2) SCORED QUESTIONS: The thirteen (13) questions of the Scored Questions will be evaluated using the following criteria:

Scored Questions – Scoring Breakdown

Topic/Question	<i>Scoring & Max. Poss. Score</i>	
1. Liquidated Damages	0 projects = 4 points; 1-2 = 3 points; >2 = 0 points	4
2. Surety Premium	0 projects = 2 points; 1-2 = 1 points; >2 = 0 points	2
3. Insurer Pay	No = 2 points; Yes = 0 points	2
4. EMR	0 projects = 2 points; 1-2 = 1 points; >2 = 0 points	2
5. Workers' Comp.	No = 2 points; Yes = 0 points	2
6. Bankruptcy	No = 4 points; Yes = 0 points	4
7. Denied Bond	No = 4 points; Yes = 0 points	4
8. Filed Claims	0 projects = 4 points; 1-2 = 2 points; >2 = 0 points	4
9. Labor Code Citations	No = 2 points; Yes = 0 points	2
10. EPA Citations	No = 2 points; Yes = 0 points	2
11. OSHA Citations	0 projects = 2 points; 1-2 = 1 points; >2 = 0 points	2
12. Prevailing Wage Penalties	No = 2 points; Yes = 0 points	2
13. Safety Meetings	Yes = 2 points; No = 0 points	2
	Total Score	34
	Minimum Score	26

- 3) If the minimum score of 26 is satisfied, the package review will advance to the Reference Scoring.

REFERENCES SCORING: In the Scoring of a Firm's References, three (3) Projects to be contacted shall be selected by District from the projects submitted as references of a Firm's capability to perform similar scope for the District. A minimum of two (2) shall be of the required four (4) projects.

In a short phone call or in an email format, at the discretion of the District, the identified contact person will be asked to score your Firm's performance in the following areas, using the noted point scales:

Quality of Work	0 – 12
Scheduling	0 – 10
Subcontractor (Project) Mgmt.	0 – 10
Change Orders	0 – 10
Working Relationship	0 – 6
Paperwork Processing	0 – 6
Responsiveness	0 – 6
On-Site Staff	0 – 6

Each of three (3) reference calls will be separately totaled. The final representative value of References Score shall be the average of the three (3) calls, i.e. sum of the three (3) totals divided by 3.

NOTE: IT IS CONTRACTOR'S RESPONSIBILITY TO MAKE ALL IDENTIFIED CONTACT PERSONS AWARE THAT A REFERENCE CALL MIGHT OCCUR WITH 2 WEEKS OF SUBMITTAL DUE DATE.

AT THE DISCRETION OF THE DISTRICT, A DOCUMENTED FAILURE TO CONNECT WITH A LISTED REFERENCE COULD BE CONSIDERED A TOTAL SCORE OF ZERO (0)

- 4) **QUALIFICATION: A Total Score for Prequalification must be a minimum of 78**, which will be the sum of the totals from the Scored Questions and the References Score. A contractor who does not achieve this minimum score will not be considered qualified to bid at this time.
- 5) All submitting Contractors will be contacted of results via email noted in application.

ATTACHMENT 1
DISTRICT'S PREQUALIFICATION QUESTIONNAIRE

CONTRACTOR (OR "FIRM") INFORMATION		
Contractor's company name:		
Address:		
Telephone:		
Principal Contact / Mobile telephone:		
E-mail:		
Years in business under current company name:		
Years at the above address:		
Types of work performed with own forces:		
Gross revenue of the Firm for the past three (3) years:		
\$	\$	\$
<p>Submit an audited or reviewed financial statement for the past two (2) full fiscal years. 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. Pursuant to Public Contract Code §20101, a financial statement shall not be required from a contractor who has qualified as a Small Business Administration (SBA) entity pursuant to Government Code (GC) §14837(d)(1), when the bid is no more than 25% of the qualifying amount indicated GC §14837(d)(1). If a contractor contends that it qualifies as a SBA entity, the Contractor shall provide with this questionnaire, evidence sufficient for the District to make that determination. If a Contractor contends that it qualifies as a SBA entity, but fails to substantiate that claim, the District may deem the Contractor's questionnaire non-responsive.</p>		
Name of license holder exactly as on file with the California State License Board:		
License classification(s):		
License Number(s):		
License expiration date(s):		
Department of Industrial Relations registration number (Per Labor Code section 1725.5):		
Number of years license holder has held the listed license(s):		
Number of years Contractor has done business in California under contractor's license law:		
Number of years Contractor has done business in California under current Contractor's license:		
Has your Firm changed name(s) or license number(s) in the past five (5) years? (Y / N). If "yes", explain on a separate signed sheet, including the reason for the change.		
Has there been any change in ownership of the Firm at any time in the past five (5) years? NOTE: A corporation whose shares are publicly traded is not required to answer this question. (Y / N). If "yes", explain on a separate signed sheet, including the reason for the change.		
Is the Firm a subsidiary, parent, holding company, or affiliate of another construction firm? NOTE: Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your Firm holds a similar position in another firm. (Y / N). If "yes", explain on a separate signed sheet, the name of the related company(ies) and the percent ownership.		
Indicate the form of Contractor's firm (type of business entity):		
<input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship	Other: _____	

Partnership
 Limited Partnership
 Corporation, State: _____
 Limited Liability Company
 Joint Venture _____

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Contractor's type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. Attach all additional information on separate signed sheets as needed.

Name	Position	Years with Co.	% Ownership

Identify every construction firm, contractor and/or construction management firm that the Contractor or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, RME etc.) at any time during the **past five (5) years** ("Associated Firm"). Include all additional references and/or information on separate signed sheets. NOTE: For this question, "owner" and "partner" refers 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. include all additional information on separate signed sheets as needed.

Name of Person at Associated Firm	Name of Associated Firm	Contractor's License No. of Associated Firm	Dates of Person's Participation with Associated Firm

CONTRACTOR'S BONDING COMPANY (SURETY) INFORMATION

Name(s) of bonding company(ies) your Firm has utilized over the past five (5) years (not broker or agency):

Address(es) of those bonding company(ies):

Number of years Contractor has been with those bonding company/surety:

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Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:
E-mail of broker/agent:
Contractor's total current bonding capacity for last three (3) years: \$

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CONTRACTOR'S INSURANCE INFORMATION

Name of insurance company(ies) your Firm has utilized over the past five (5) years (not broker or agency):

Address of those insurance company(ies):

"Best" rating(s) for those insurance company(ies):

Number of years Contractor has been with those insurance company(ies):

Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:

E-mail of broker/agent:


Contractor's current insurance limits for the following types of coverage:
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Commercial General Liability	Each occurrence	\$
	General aggregate	\$
Product Liability & Completed Operations	Each occurrence	\$
	General aggregate	\$
Automobile Liability – Any Auto	Combined Single Limit (per occurrence)	\$
Employers' Liability		\$
Builder's Risk (Course of Construction)		

Workers' Compensation Experience Modification Rate for the past five (5) premium years:

(1) Current year:	(2)	(3)
	(4)	(5)

QUESTIONS

Pass/Fail Questions (Essential Criteria) – <i>You must circle either Yes or No</i>		
1a.	<p><u>GENERAL CONTRACTORS ONLY:</u></p> <p>Has your Firm contracted for and completed construction of a <u>minimum</u> of:</p> <ul style="list-style-type: none"> • Four (4) projects, with comparable scope and complexity for Public Agencies such as Recreation and Park Districts/Departments, Municipalities and Educational Institutions • Each with a value of at least \$5,000,000, and • All within the past seven (7) years? <p>NOTE: You must list these projects in the “Contractor Project References” Section.</p>	<p><u>YES</u> <u>NO</u> NO = cannot prequalify</p>
2.	Does your Firm currently hold all contractors’ license(s) necessary to perform the work and have those license(s) been consistently active for at least five (5) years without revocation or suspension?	<p><u>YES</u> <u>NO</u> NO = cannot prequalify</p>
3.	Has your Firm or an Associated Firm been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years?	<p><u>YES</u> <u>NO</u> YES = cannot prequalify</p>
4.	Has your Firm or an Associated Firm defaulted on a contract or been terminated for cause by any public agency on any project within California within the past five (5) years and, if so and if challenged, has that default or termination been upheld by a court or an arbitrator?	<p><u>YES</u> <u>NO</u> YES = cannot prequalify</p>
5.	Has your Firm or an Associated Firm or any of their owners or officers been convicted of a crime under federal, state, or local law involving: <ol style="list-style-type: none"> (1) Bidding for, awarding of, or performance of a contract with a public entity; (2) Making a false claim(s) to any public entity; or (3) Fraud, theft, or other act of dishonesty to any contracting party within the past ten (10) years? 	<p><u>YES</u> <u>NO</u> YES = cannot prequalify</p>
6.	Has a performance bond surety for your Firm or a performance bond surety for an Associated Firm had to: <ol style="list-style-type: none"> (1) Takeover or complete a project, (2) Supervise the work of a project, or (3) Pay amounts to third parties, related to construction activities of your Firm or an Associated Firm within the past five (5) years? 	<p><u>YES</u> <u>NO</u> YES = cannot prequalify</p>
<div style="display: flex; align-items: center; justify-content: center;">  <p style="margin: 0;"> If you answered: “NO” to questions <u>1</u> or <u>2</u> or “YES” to questions <u>3-6</u>, then STOP. <u>You are not eligible for prequalification at this time.</u> </p> </div>		

Scored Questions – *If Yes or No, please circle either; otherwise state number*

1.	<p>Number of projects in last five (5) years your Firm paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past five (5) years? P Please indicate number of occurrences. If answer is "NO", indicate '0'</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), damages(s), and date(s).</p>	<u>NUMBER</u>
2.	<p>Has your Firm paid a premium of more than one percent (1%) for a performance and payment bond on any project(s) within the past five (5) years? Please indicate number of occurrences. If answer is "NO", indicate '0'</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the premium amount(s), and date(s).</p>	<u>NUMBER</u>
3.	<p>Has any insurer had to pay amounts to third parties that were in any way related to construction activities of your Firm within the past five (5) years?</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount(s) paid, and date(s).</p>	<u>YES NO</u>
4.	<p>Has your Firm's Workers' Compensation Experience Modification Rate exceeded 1.0 at any time for the past five (5) premium years? Please indicate number of occurrences. If answer is "NO", indicate '0'</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the EMR(s) and the applicable date(s).</p>	<u>NUMBER</u>
5.	<p>Has there been a period when your Firm had employees but was without workers' compensation insurance or state-approved self-insurance within the past five (5) years?</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the reason(s) for not having this insurance and the applicable date(s).</p>	<u>YES NO</u>
6.	<p>Has your Firm declared bankruptcy or been placed in receivership within the past five (5) years?</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the type of bankruptcy, the Firm's current recovery plan, and the applicable date(s).</p>	<u>YES NO</u>
7.	<p>Has your Firm been denied bond coverage by a surety company, or has there been a period of time when your Firm had no surety bond in place during a public construction project when one was required within the past five (5) years?</p> <p style="text-align: center;">If YES, provide details on a separate signed sheet indicating the date(s) when your Firm was denied coverage and the name of the company or companies which denied coverage; and the period(s) during which you had no surety bond in place.</p>	<u>YES NO</u>
8.	<p>Has a project owner, general contractor, architect, or construction manager filed claim(s) in an amount exceeding \$100,000 against your Firm, or has your Firm filed claim(s) in an amount exceeding \$100,000 against a project owner, general contractor, architect, or construction manager in the past five (5) years? Please indicate number of occurrences. If answer is "NO", indicate '0'.</p> <p style="text-align: center;">If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s) and the date(s) of claim(s).</p>	<u>NUMBER</u>

9.	<p>Has your Firm or an Associated Firm been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code violations, within the past five (5) years?</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<p><u>YES</u> <u>NO</u></p>
10.	<p>Has your Firm been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past five (5) years?</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.</p>	<p><u>YES</u> <u>NO</u></p>
11.	<p>Has CAL OSHA and/or federal Occupational Safety and Health Administration cited and assessed penalties against your Firm, including any "serious," "willful" or "repeat" violations of safety or health regulations within the past five (5) years? Please indicate number of occurrences. If answer is "NO", indicate '0'</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.</p>	<p><u>NUMBER</u></p>
12.	<p>Has your Firm been required to pay either back wages or penalties for its failure to comply with California's prevailing wage laws, with California's apprenticeship laws or regulations, or with federal Davis-Bacon prevailing wage laws within the past five (5) years?</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of employees who were initially underpaid and the amount of back wages and penalties that your Firm was required to pay.</p>	<p><u>YES</u> <u>NO</u></p>
13.	<p>Does your Firm require <u>weekly</u> documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p>	<p><u>YES</u> <u>NO</u></p>

CONTRACTOR PROJECT REFERENCES

List **a minimum of four (4)** projects in which your Firm has participated as a contractor during the past **seven (7) years** with a Firm contract value of more than **\$5,000,000**.

- Listed projects shall have comparable scope and complexity for Public Agencies e.g. Recreation and Park Districts/Departments, Municipalities and Educational Institutions.
- Provide a general description of each project that demonstrates comparable scope and complexity.
- You may limit your response to the ten (10) most-recently completed projects, but you **must** include at least the four (4) most recent projects with a contract value of more than \$5,000,000 performed by your Firm.
- Upto six (6) of the remaining listed projects with the similar scope may have minimum value of \$2,000,000.
- Include all information indicated below on separate signed sheets as necessary, and explain or clarify any response as necessary
- In lieu of separate sheets, Submitter may duplicate the format below in a digital-assembly of the presentation, accompanied by a single statement of certification to address all projects.

Project Name/Identification:
Project address/location:
Project owner, contact person, email and telephone:
Project designer/construction manager name, email and telephone number:
Scope of Work:
Self-performed Scope on Project:
Original completion date:
Date completed:
Initial contract value (as of time of bid award):
Final contract value:

CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

- I am using a single certification to represent all the listed projects in this submittal.

Date: _____

Proper Name of Contractor: _____

Signature: _____

By: _____ (Print Name)

Title: _____