

CHAPTER VII
ARTICLE I
CONTRACTING

7100. BOARD RESPONSIBILITY FOR CONTRACTS. The Board of Trustees has the sole responsibility for all contracts obligating the District.

- 7100.10 Delegation of Authority to Enter Into and Amend Contracts. When such transactions do not exceed the dollar limits established in the Education Code or other laws pertaining to the taking of competitive bids, the Chancellor, or the Senior Vice Chancellor, the Executive Director of Facilities Planning & Development, the Director of Business Services and the Director of Facilities Planning & Development, and such additional positions or individuals which have been authorized by the Board of Trustees, may:
- a. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any limitations or requirements set forth therein.
 - b. Amend the terms and conditions of any contractual arrangement provided that the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law.
 - c. Agree to binding arbitration if the Chancellor, Senior Vice Chancellor, Executive Director of Facilities Planning & Development, or Director of Business Services determines that it is an appropriate business decision to do so.
 - d. Delegation Authority: Effective December 1, 2000, except for contracts funded by the proceeds of the bond issues authorized by Proposition A on the April 10, 2001, election ballot, the Chancellor shall have the authority to delegate contracts which do not require formal, competitive bidding to College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

EC 72287,81640, 81644, 81655, 81656, 81658

Adopted or Restored 09-24-80
Amended 12-16-89
Amended 09-20-00
Amended 08-03-05
Amended 09-05-01
Amended 08-03-05
Amended 03-07-12

- e. Effective October 1, 2001, the Chancellor shall have the authority to issue purchasing cards to District employees for the purpose of buying low-value materials, supplies and services, including business travel-related items. The Chancellor may delegate to the College Presidents, Senior Vice Chancellor and Executive Director of Facilities Planning & Development the authority to (a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. The Chancellor shall issue regulations establishing the use of purchasing cards and the associated delegation of authority.

- f. In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.

- g. Effective March 8, 2012, the Executive Director of Facilities Planning and Development shall make future determinations of “substantial complexity” for purposes of allowing retention proceeds in excess of five percent in accordance with Section 7201 of the Public Contract Code, which generally limits retention proceeds in public construction contracts to five percent of the total contract payment unless (1) the governing body or its designee approves a finding during a regular and properly noticed public meeting that the proposed project is “substantially complex” and requires a retention amount greater than five percent and (2) the public entity includes both the finding and the designated retention amount in the bid documents for the project.

Adopted or Restored 09-24-80
 Amended 12-16-89
 Amended 09-20-00
 Amended 08-03-05
 Amended 09-05-01
 Amended 08-03-05
 Amended 03-07-12

7100.11 Emergency Contracts. In an emergency, as defined by the Education Code, a contract may be awarded on behalf of the District by the Chancellor, or designee, the Vice Chancellor of Business Services, or designee, for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. Such contracts shall be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance.

EC 81648, 81656

Adopted or Restored 09-24-80
Amended 12-16-81
Amended 09-20-00

7100.12 Non-Discrimination. Any contractor performing work or providing services for the Los Angeles Community College District must certify that there is no discrimination in the contractor's hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in section 12940 of the Government Code. All contractors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment and Housing Act beginning with sections 12900 of the California Government Code. In addition, the contractor must agree to require compliance by all subcontractors employed on the work by him/her.

When working for the District, contractors and their subcontractors who employ workers in any apprenticeable craft or trade, and who refer apprentices to the Los Angeles Community College District for enrollment, are subject to the provisions of the California Apprenticeship Law, the California Plan in Apprenticeship and the Affirmative Action Plan adopted by the Board of Trustees.

California Fair Employment and Housing Act, Government Code 12900 et seq.; Labor Code section 1735; California Apprenticeship Law, Labor Code section 3070 et seq.; Code of Federal Regulations, Part 30.

Adopted or Restored 09-24-80
Amended 12-16-81
Amended 09-20-00

7100.13 Discriminatory Trust and Restraints of Trade. Contractors shall be required to abide by Sections 16721 and 16721.5 of the California Business and Professions Code pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.

EC 81641
Adopted or Restored 09-24-80
Amended 09-20-00

7100.14 Interests of Employees and Board Members. Employees of the District and members of the Board of Trustees shall not have an interest in any contract, other than their individual employment agreement, made by the Board.

EC 72533

Adopted or Restored 09-24-80

Amended 09-20-00

7100.15 Ratification of Transactions. All transactions and amendments thereto, entered into under Board Rules 7100, 7101, 7102, 7103, and 7104 shall be reported to the Board of Trustees for ratification within sixty (60) days of such transactions.

Adopted or Restored 09-24-80

Amended 09-20-00

7100.16 Rejection of Bids. Any and all bids may be rejected by the District for good and sufficient reason.

Adopted or Restored 09-24-80

Amended 09-20-00

7100.17 Advertisement for Bids. The Business Services Division shall advertise for bids in accordance with the provisions of the Education Code.

EC 81641

Adopted or Restored 09-24-80

Amended 09-20-00

7100.18 Agreements with Local Law Enforcement Agencies. The Board authorizes the Chancellor to enter into agreements for each of the colleges with local law enforcement agencies that have jurisdiction within the District's boundaries in order to clarify the operational responsibilities for investigating "Part 1" violent crimes occurring on District college campuses. Such agreements will clearly designate which law enforcement agency has operational responsibility for the investigation of any "Part 1" violent crime occurring on District campuses. In addition, the agreements will delineate the geographical boundaries of each agency's responsibility, by attaching appropriate maps, if necessary. Such agreements shall be submitted to the Board for ratification.

Adopted 08-11-99

Amended 10-17-01

7101. CONTRACTS. Contracts, involving expenditure amounts which require competitive bidding in compliance with law, shall require approval by the Board of Trustees prior to award and will be administered as indicated below:

Adopted or Restored 09-24-80

7101.10 Bid and Contract Forms. Bid and contract forms shall be prepared by the Business Services Division. A file of the basic forms shall be prepared and maintained by the Division. All applicable statutory provisions and Board Rules shall be observed in preparation of the forms.

All bid notices issued by the Los Angeles Community College District shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices.

All bid submissions shall contain all documents necessary to assure the ability to comply with these California Labor Code Sections.

Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Adopted or Restored 09-24-80
Amended 12-13-89

7101.11 Bid Guarantees. When required or appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

Adopted or Restored 09-24-80

7101.12 Distribution of Bid Documents and Receipt of Bids. The Business Services Division shall make available to the prospective bidders Bid Forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

The Business Services Division shall receive the bids, open and read them aloud in public at the time and place specified in the bid, check them for regularity and compliance with legal requirements, and tabulate them.

EC 81641
Adopted or Restored 09-24-80

- 7101.13 Responsive Bids. An award shall be made to the lowest responsive bidder who meets District specifications and requirements in conformance with law. The Business Services Division shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.
- Adopted or Restored 09-24-80
- 7101.14 Public Works Bonds. Material and Labor Bond and Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District.
- Adopted or Restored 09-24-80
- 7101.15 Acceptance of Completion for Material and Labor Contract. When the entire work has been completed, as provided for in the contract, the Business Services Division shall submit a recommendation for Board acceptance of completion of the contract. After acceptance, a Notice of Completion of contract shall be filed with the County Recorder.
- Adopted or Restored 09-24-80
7102. PURCHASING. The Chancellor, or designee, is authorized to procure equipment, supplies and services for all colleges, divisions and offices of the District within budgetary limitations as authorized in Board Rules 7100.
- Adopted or Restored 09-24-80
- 7102.10 Competitive Bidding. Procurement actions shall be by competitive negotiations and bidding in compliance with statutes with award to the lowest responsible bidder meeting the specifications. The "lowest responsible bidder" is the lowest bidder whose offer responds in quality, fitness and capacity to fulfill and perform the particular requirements set forth by District.
- a. Specifications. Specifications shall be descriptive of materials desired and sufficiently broad to conform to law and to promote competitive bidding.
 - b. Qualified Bidders. An effort shall be made to attract and develop a maximum of responsible bidders capable of offering the best prices consistent with quality, delivery and service.
- Adopted or Restored 09-24-80
- 7102.11 Purchases. Bids for all purchases which exceed the amount permissible for ratification by law shall be submitted to the Board of Trustees for approval prior to award to vendor.
- Adopted or Restored 09-24-80

- 7102.12 Guarantees. A performance guarantee may be required in the form of a bond from a surety company or on a form acceptable to the District.
EC 81640
Adopted or Restored 09-24-80
- 7102.13 Purchase Orders for Subsequent Year. Following adoption of the Tentative Budget, but not earlier than May 15, purchase orders may be issued for delivery during the subsequent year in an amount not to exceed fifty percent (50%) of any approved appropriation in the Tentative Budget.
Adopted or Restored 09-24-80
- 7102.14 Purchase of Cafeteria Supplies. The College President, or designee, is authorized to negotiate with vendors for furnishing perishable merchandise, food for preparing meals and related supplies not provided for by a Districtwide contract at the lowest possible cost consistent with the needs of the cafeteria with respect to service, delivery and quality. The College President is responsible for adhering to all procedures, rules and regulations established by District administration for accounting, control and payment authorization for such materials obtained.
Adopted and Restored 09-24-80
7103. FACILITIES. The Business Services Division shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which require State approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds. Planning and programming shall be done in cooperation with College Presidents, or designees, and with the Educational Services Division.
Adopted and Restored 09-24-80
- 7103.08 Public Project Contracts: Alternative Procedures. The Board of Trustees has elected to be subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA), commencing with Sections 22000 to Part 3 Division 2 of the Public Contract Code with an effective implementation date of July 1, 2001. This election provides for the following:
Adopted 05-09-01
Amended 07-13-05

- A. Public Projects of \$30,000 or less. These projects may be performed by force account, by negotiated contract or by purchase order. When such work is contracted out, to the extent possible by law, at least three written quotes should be sought. Work specified herein shall utilize qualified contractors with the appropriate and current contractor license classification.
- B. Public Projects of \$125,000 or less. These projects may be let to contract by informal procedures as set forth by the Uniform Public Construction Cost Accounting Act, particularly with respect to Sections 22034 and 22036 of the Public Contract Code. However, if all bids received are in excess of \$125,000, the Board of Trustees may, through a resolution passed by a four-fifths vote, award the contract at one hundred and thirty seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate to be reasonable.
- C. Public projects of more than one hundred twenty five thousand dollars (\$125,000). Public projects of more than one hundred twenty five thousand dollars (\$125,000) will be let to contract by formal bidding procedures consistent with the Board Rules, Administrative Regulations, Business Operations Procedures and all other applicable Codes and laws. Such formal bidding shall be done by the Facilities Planning and Development Department under the direction of the Vice Chancellor of Business Services.
- D. Emergency Work. In cases of great emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in Section 8558 of the Government Code and Section 20654 of the Public Contract Code when repair or replacements are necessary to permit the continued conduct of existing college classes or the operation of services of the District Office or College or to avoid danger to life or property, the Board of Trustees by majority vote may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, work details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Trustees or its designee, by contract, or by a combination of the two. The Board of Trustees delegates to the Chancellor or his/her designee(s) the power to declare a public emergency subject to confirmation of the Board of Trustees, by four-fifths vote, at its next meeting.

Adopted 05-09-01

Amended 07-13-05

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7103.08

- E. Contract Ratification and/or Approval by the Board. Public project contracts under \$125,000 shall be reported to the Board for ratification within sixty (60) calendar days of award of the contract. All public project contracts over \$125,000 require prior approval by the Board of Trustees as set forth in the Board Rules.

- F. Adjustments to Contract Amounts. Every five years the State Controller's Office may make adjustments to the above-mentioned public project contract amounts. Any such adjustment shall be effective beginning with the fiscal year that commences not less than sixty (60) calendar days following the State Controller's notification to the Los Angeles Community College District.

Adopted 05-09-01
Amended 07-13-05

7103.09 Delegation of Authority to Contract for Public Projects and Maintenance Work

The Board of Trustees delegates the authority to the Chancellor or the Vice Chancellor of Business Services, Director of Facilities Planning and Development, Director of Business Services, and such additional positions or individuals which have been authorized by the Board of Trustees to contract and over see new construction, alterations, additions, and repair and maintenance activities for District facilities and equipment consistent with the Uniform Public Construction Cost Accounting Act, Board Rules, Administrative Regulations, Business Operations Procedures and any other applicable Codes and laws. Effective July 1, 2001, authority may also be delegated by the Chancellor to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration as designated by the College Presidents, and to acting or day-to-day substitute(s) for the Vice Presidents of Administration in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

Adopted 05-09-01

In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys if the action may be charged to the location that created the liability, as determined by the Chancellor or his/her designee.

Adopted 05-09-01

- 7103.10 Drawings and Specifications. The Business Services Division shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs. The Preliminary Drawings, which shall cover all proposed facilities, together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the Working Drawings and Specifications. Upon completion, the Working Drawings, Drawings, Specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees. The Final Working Drawings and Specifications, approved by the State Department of General Services and the State Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

EC 81103, et seq. 81837

Adopted or Restored 09-24-80

- 7103.11 Repair and Maintenance of Plants. College Presidents, in coordination with the Business Services Division, shall be responsible for the maintenance, repair, minor alterations and improvements of District grounds, buildings, facilities and similar work.

Amended 10-15-80

- 7103.12 Performance of Work by District Personnel. The Chancellor, President of each college, or designee, is authorized to utilize day labor or force account personnel to perform maintenance, repair, District approved alterations, new construction, or additions for buildings and grounds and related equipment so long as the labor time or cost expenditures do not exceed the limitations of the Education Code.

EC 81649

Adopted or Restored 09-24-80

7103.13 Material and Labor Proposals. Work involving an expenditure amount that requires competitive bidding will be awarded using the criteria established in Board Rule 7101. The Vice Chancellor of Business Services, or designee, is authorized to negotiate Material and Labor Proposals and issue Repair and Services Orders for minor new constructions, alterations, additions, and repair and maintenance activities for District facilities and equipment not to exceed the amount specified in Section 81640 of the Education Code.

College Presidents, or designees, may also negotiate Proposal Contracts and issue Repair and Service Orders for similar activities which have been approved by the Chancellor, or designee, the Vice Chancellor of Business Services, not to exceed the amount authorized by the Chancellor, or designee.

EC 81640

Adopted or Restored 09-24-80

7103.14 Architect/Engineer and Similar Professional Service Contracts for Facilities Related Matters.

- A. The Vice Chancellor of Operations shall adopt a selection procedure to be used when the services of an Architect/Engineer or other related professional service providers are required for a new building or other major new or renovation project and the contract fee for such services will exceed \$50,000 (hereinafter "selection procedure"). The selection committee membership shall consist of the Vice Chancellor of Operations and designees and representatives from the design professions as may be deemed necessary as well as representatives from Facilities Planning and Development and the President or designee from the affected location(s).
- B. The Vice Chancellor of Operations, or designee, is authorized to negotiate professional service contracts with architects, engineers and related professionals involving plans, studies and reports pertaining to District owned and leased real property for projects of a minor scope not requiring the selection procedure. Contracts which require the use of the selection procedure shall be reported to the Board of Trustees for approval prior to the issuance of a contract. Contracts not requiring use of the selection procedure shall be reported to the Board for ratification within sixty (60) days of such transaction.

Adopted or Restored 09-24-80
Amended 12-15-99

Prequalification of Bidders. Pursuant to Public Contract Code section 20651.5, prospective bidders for a contract or classification of contracts described in Public Contract Code section 20651, of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided for herein below), in excess of \$1,000,000.00, may be required by the Executive Director of Facilities Planning and Development, or his designee, to furnish sufficient proof of public works experience and financial ability by completing a standard form questionnaire and financial information.

- A. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate) attached to these Rules, which are hereby adopted, including any modifications as may be deemed appropriate by the Executive Director. When completed, the questionnaire and financial information shall be verified under oath in the manner in which pleadings in civil actions are verified.
- B. Applicant responses to the District's standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet attached to these Rules, which is hereby adopted, including any modifications deemed appropriate by the Executive Director.
- C. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.
- D. A determination by the District prequalifying an applicant shall not be construed a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.

A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified, at which point the District may either allow the prequalification status of the applicant to expire of its own force or the District may, in its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification

Adopted	07-19-00
Amended	12-06-00
Amended	09-04-02
Amended	12-01-04
Amended	08-09-06

- E. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process for appeal before a committee appointed by the President of the Board of Trustees.

Adopted 07-19-00
Amended 12-06-00
Amended 12-01-04

PLEASE NOTE: THE PREQUALIFICATION AND SCORING FORMS ARE LOCATED AT THE END OF ARTICLE I.

7103.16 Alternate Bidding Procedure. To comply with the addition of Public Contract Code section 20103.8 effective January 1, 2001, whenever the District is required to competitively bid a project and additive or deductive items are included in the bid form, the Notice To Bidders shall specify one of the four methods described below which the District will use to determine the lowest bid. In the absence of such a specification, the lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items.

- A. Methods For Determining Lowest Bid. If alternate bids are called for, the Notice To Bidders shall specify which one of the following methods will be used to determine the lowest bid:

- (1) The lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items;
- (2) The lowest bid shall be the lowest total bid prices on the base bid and those additive or deductive items that are specifically identified in the Notice To Bidders as being used for the purpose of determining the lowest bid price;
- (3) The lowest bid shall be the lowest total of the bid prices on the base bid and those additive or deductive items taken in order from the specifically identified list of those items, depending upon available funds as identified in the Notice To Bidders; or
- (4) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the District before the ranking of all bidders from lowest to highest has been determined.

Adopted 01-24-01
Amended 04-18-01

- B. Designated Employee. In the event the District selects method (4) above, the procedure set forth below shall be followed:

The Director of Facilities Planning & Development or his/her designee shall designate an employee to perform the clerical functions described hereinafter. Said designated employee shall not be involved or participate in the decision making process of determining the low apparent bidder based upon the base bid and selected additive and/or deductive alternate bids.

- C. Receipt of Bids. The following procedure shall be followed by the designated employee when receiving bids:

- (1) As each bid is received, the designated employee shall write an assigned number on the front top right corner of the bid envelope and inform the bidder of his/her assigned number.
- (2) As the designated employee opens each bid, the assigned number shall be written in the top right hand corner of the page(s) of the Bid Form that contain the bid amounts.
- (3) After all bids have been opened, the designated employee shall read each bid by assigned number, without reference to the name of the bidder.
- (4) After reading all bids, the designated employee shall either (a) prepare a separate tabulation of each bid, to include only the assigned number and amounts of the base bid and all alternate bids, or (b) photocopy the page(s) of each Bid Form which include the base bid and alternate bid amounts, and excise any reference to the name of such bidder.
- (5) The designated employee shall reinsert the original Bid Forms into the corresponding bid envelopes and shall retain custody of the bid envelopes in a secure area at the District until the low apparent bidder has been determined.
- (6) Once the bid opening has been completed, the designated employee shall give to the Director of Facilities Planning & Development or his/her designee either the bid tabulation of the photocopied pages from the Bid Form containing the base bid and alternate bid amounts.

Adopted 01-24-01
Amended 04-18-01

- D. Bid Protest. Should any bid protest be filed prior to the determination of the low apparent bidder based upon each bidder's base bid and alternate bids, such bid protest(s) must be in writing and delivered to the attention of the designated employee. Upon receipt of any bid protest, the designated employee shall maintain the bid protest along with the bid envelopes.

Any bid protest received after the District has notified the bidders of the low apparent bidder, shall be directed to the attention of the Director of Facilities Planning & Development.

- E. Selection of Low Apparent Bidder. Once the District has selected the low apparent bidder based upon the base bid and alternate bid amounts submitted, such determination shall be reduced to writing and retained by the District. Upon the selection of the low apparent bidder, the designated employee shall deliver the bid envelopes containing the original Bid Forms, and any bid protests received, to the Director of Facilities Planning & Development or his/her designee.

After the assigned numbers have been matched with the names of the bidders and the Bid Forms along with any bid protests have been reviewed, the bidders who submitted bids shall be notified of the low apparent bidder.

- F. Selection of Alternate Bids. Once the lowest responsible bidder has been selected, the District may determine to add to or deduct from the Contract any of the additive or deductive items.

Adopted 01-24-01
Amended 04-18-01

OPPORTUNITIES FOR LOCAL, SMALL AND EMERGING BUSINESSES.

The Board of Trustees seeks to continue and further its mission to contribute to the economic development of the community. To that end, the Board adopts the following policy for the inclusion of local, small and emerging businesses.

A. Definitions.

1. "Bid" shall mean all facilities bids and proposals that are projected to be funded by at least fifty percent (50%) by the funds from Proposition A, AA, and/or Measure J, and that are first advertised on or after January 14, 2004;
2. "Emerging" shall mean a firm that has been in business in its substantially current form for up to five (5) years;
3. "Local" shall mean a business that has its principal headquarters located within Los Angeles County;
4. "Small" shall be defined in the same terms as defined by the federal Small Business Administration;
5. "Reimbursable Expenses" shall mean expenses such as photocopying, travel, telephone other services provided by another business, that are specified as permissible under the contract, and that are less than ten percent (10%) in the aggregate of the total contract. Reimbursable Expenses shall not include performance of services or materials supplies that are subcontracted to another person or firm.

B. Goals. The Board establishes a goal of thirty percent participation of Local, Small and Emerging businesses in its contracts regarding facilities awarded each fiscal year.

C. Bidding. As a condition to be considered responsive, a Bid must include the following:

1. Demonstrated participation of at least thirty percent (30%) of the total bid being performed by Local, Small or Emerging businesses; or,

Adopted 1/14/04
Amended 1/15/14

2. A demonstrated good faith effort to include Local, Small or Emerging businesses, in accordance with regulations to be issued by the Chancellor; or,
 3. The bidder certifies that it intends to perform ninety-five percent (95%) of the work with its own employees, excluding Reimbursable Expenses.
- D. Advertising and Mentoring. In order to further the goals stated herein, the Board directs that the Chancellor or his designee undertake an appropriate advertising program directed to Local, Small and Emerging Businesses. That program should include such things as advertising in papers local to the applicable location where work will be performed, enhancement of the District's website to include a list of self-designated Local, Small and Emerging Businesses, and accessible plan rooms for all businesses to be able to review plans and schedules for upcoming projects. The Board also directs that the Chancellor or his designee undertake an appropriate mentoring program directed to Local, Small and Emerging Businesses to improve their business skills and likelihood of success while participating in the District's facilities program. The mentoring program may be established as a function of the District through the Proposition A/AA and Measure J program, or it may be operated jointly by the District and another public entity with similar goals, whichever is deemed a more effective and efficient approach by the Chancellor or his designee.
- E. Bonding Requirements. In order to further the goals stated herein, the Chancellor or his designee may undertake the development and operation of a District-sponsored bid, labor and materials and performance bond program to facilitate the ability of Small, Local, and Emerging firms to meet District bond requirements under the Proposition A/AA and Measure J program. All firms, regardless of qualification as Local, Small or Emerging, shall be eligible to participate, and all firms shall be required to demonstrate evidence of their ability to perform to the satisfaction of the bond provider(s).

Adopted 1/14/04
Amended 1/15/14

- F. Mandatory Bid Conferences. Bid conferences, or bid walk-throughs, held to inform interested business about the specific requirements of District construction projects shall generally be mandatory for those considering submitting a bid or proposal for the identified work. However, a Local, Small and Emerging firm may be exempted from the mandatory requirement if it submits an affidavit with its bid submission, stating the firm was unable to send a representative to attend the bid conference/bid walk through due to a specific, unavoidable conflict. The affidavit will further state that the bidder is fully knowledgeable about the requirements of the bid, the bidder is accountable for any information that could have been ascertained by attending the conference/bid walk, and that the bidder has the ability to perform the requested work in a professional and workmanlike manner.
- G. Reporting. The Chancellor or his designee shall make a report to the Board at least semi-annually regarding the District's performance towards these goals.

Adopted 1/14/04
 Amended 1/15/14

7103.18

BID PROTESTS FOR BOND-FUNDED ACTIVITIES.

- A. Bid protests heard through the administrative level shall be conducted in accordance with regulations issued by the Chancellor.
- B. For matters funded at least fifty percent (50%) by funds from Proposition A, Proposition AA or Measure J, upon exhaustion of the administrative-level appeal(s), the protesting party may seek a further appeal by filing an appeal within five (5) business days. In that event, the Chancellor or his or her designee will promptly forward any such appeal to the Facilities Master Planning & Oversight Committee, which shall serve as an appeal panel. In consultation with the chair of the Committee, the Chancellor or his or her designee will issue a notice of hearing within seven (7) business days. During the hearing, the protestor, intended awardee, and the District may present their positions to the Committee. Other members of the public shall be entitled to address the Committee in keeping with applicable Board Rules.
- C. The Committee will make a recommendation to the Board of Trustees. The Board may accept, reject or modify the Committee's recommendation. The Board decision will constitute the District's final decision on the appeal.

Adopted 7/9/14

7104. LEASES

7104.10 Management of Real Property. All acquisitions of real property, including appraisals and valuations of real property of improvements; the securement of Title Insurance Policies covering land belonging to the District; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property shall be accomplished through the Business Services Division.

Adopted or Restored 09-24-80
Amended 09-20-00

7104.11 Use of Real Property Not Owned by District. Real property, the ownership of which is not vested in the District, shall not be used for school or administrative purposes except by lease or permit. With the exception of the designation of branch locations for the colleges which may include leases for no more than \$5.00 annually, all requests for real property arrangements shall be made through the Business Services Division. Effective December 1, 2000, the Board of Trustees authorizes the Chancellor to delegate the responsibility and authority to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting and day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence, to negotiate, draft, sign and enter into leases for no more than \$5.00 annually which involve the designation of branch locations for the college. All leases or permits shall be made in conformance with the Education Code, policies of the Board of Trustees and in accordance with published Business Services procedures. The structural safety of such quarters and the terms and conditions of such arrangements shall be investigated and negotiated by the Business Services Division.

The Vice Chancellor of Business Services, or designee, is authorized to lease facilities for District use, not to exceed the maximum amount set forth in EC 81640 for materials and supplies.

EC 81640

Adopted or Restored 09-24-80
Amended 09-20-00

7104.12 Use of Real Property by Third Parties. Whenever real property owned by the District is not needed for educational purposes, the District may grant the use of such property either under a Civic Center Permit in accordance with Board Rule 7201 et seq., or by lease or permit for use in accordance with Board Rule 7202 et seq. All uses of District facilities which include fair rental fees shall be on a form designed by the Chancellor or his or her designee. All civic center permits, leases, permits for use or sales of property shall be made in conformance with law and with policies of the Board of Trustees.

Adopted or Restored 09-24-80
Amended 09-20-00

7104.13 Insurance on Lease. Lessee of District facilities shall provide evidence of public liability, property and worker's compensation insurance adequate to protect the District against any liability resulting from Lessee's use of the facility. Lessee's insurance policies shall name the District as additional insured and shall conform to dollar limits and other requirements set forth in Board Rule 7200.18 and as determined by the Business Services Division.

Adopted or Restored 09-24-80
Amended 09-20-00

7104.14 Violation of Lease. The District, at its discretion, shall have the right to cancel and terminate any lease immediately and without notice upon its discovery of a violation of any term, condition or provision of the lease and/or any of the general terms and conditions for using District facilities as set forth in Board Rule 7200 et seq. on the part of the Lessee. Should any such violation occur, the District, at its discretion, shall have the right to deny any future requests by the Lessee for the lease of District property which is the subject of this lease, or for any other District property or facilities.

Adopted or Restored 09-24-80
Amended 09-20-00



LOS ANGELES COMMUNITY COLLEGE DISTRICT
DEPARTMENT OF FACILITIES PLANNING AND DEVELOPMENT

REQUEST FOR PREQUALIFICATION
OF _____¹

FOR

_____²

_____ **No.** _____

(Short Form)

¹ Insert "General Contractors", "Subcontractors", "Vendors", etc., as appropriate.

² Insert description of proposed individual contract and project or classification of contracts or projects. See, Public Contract Code Section 20651 for complete listing of categories of contracts for which prequalification is permitted

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LOS ANGELES COMMUNITY COLLEGE DISTRICT
DEPARTMENT OF FACILITIES PLANNING AND DEVELOPMENT

ADVERTISEMENT OF REQUEST FOR PREQUALIFICATION

OF

FOR

No.

NOTICE IS HEREBY GIVEN that the Los Angeles Community College District ("District") invites qualified _____ to complete and submit a completed Prequalification Questionnaire for the purpose of prequalifying, based on financial ability and public contracting experience, to submit a bid or proposal for _____.

Any person or entity wishing to be considered for prequalification ("Applicant") must submit a completed Prequalification Questionnaire and other information as required by the Instructions to Applicants ("Instructions") that are part of the District's Request for Prequalification, copies of which are/will be available commencing _____, 20____, Monday through Friday between the hours of ____:00 a.m. and ____:00 p.m. at _____.

A Prequalification Conference will be conducted on _____, 20____, commencing promptly at ____:00 a.m./p.m. at _____. Attendance at the Prequalification Conference is not mandatory mandatory (subject to exceptions as may be permitted by the District's Board Rule 7103.17 for small, local and emerging businesses). Sign language services are available for the Prequalification Conference upon written request received by the District's Executive Director, at the address stated below for receipt of Prequalification Submittals, at least three (3) business days prior to the Prequalification Conference.

All Prequalification Questionnaires and other information required by the Instructions to be submitted by Applicants ("Prequalification Submittals") shall be prepared in conformance with the Request for Prequalification using the forms referenced in or attached thereto. Prequalification Submittals shall be hand delivered to, or be received by mail at, the _____, at any time Monday through Friday during regular working hours of ____:00 a.m. to ____:00 p.m., up to and including _____, 20____, which date and time is subject to change by District in accordance with the terms of the Instructions. The Applicant assumes full and sole responsibility for timely receipt of its complete Prequalification Submittal at the aforesaid location designated for receipt thereof.

Questions relating to this project should be directed to

E-mail: _____ or via Telephone _____ Fax _____

**INSTRUCTIONS TO
APPLICANTS FOR PREQUALIFICATION**

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ARTICLE 1

GENERAL PROVISIONS

1.1 Purpose. The purpose of this Prequalification is to prequalify [redacted] [Insert “General Contractors”, “Subcontractors”, “Vendors”, etc., as appropriate] (“Applicants”) to bid for the Award of [redacted] by the Los Angeles Community College District (“District”) for the [redacted].

1.2 Overview. [redacted] [Insert additional provisions or paragraphs as needed describing the prequalification, bidding and award process]

1.3 Authority. This prequalification is being conducted under the authority of Public Contract Code Section 20651.5. This authority is addition to and shall not be construed as a limitation upon any other authority or right of District as may exist under applicable laws to conduct this prequalification or to separately determine the responsibility of any bidder or sub-bidder.

1.4 Basis of Prequalification. Applicants will be prequalified on the basis of their demonstrating, by means of the information they provide in their Prequalification Submittals, that they have the financial ability and public contracting experience that is required for the type and size of contract(s) contemplated by this prequalification.

1.5 Applicant Member. The term “Applicant Member” means any of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that shares directly in the profits, losses and liabilities of the Applicant or [redacted] [Insert any additional description as may be applicable to joint bidding]. No changes in or additions to the Applicant Member(s) of an Applicant that has been prequalified and who submits a bid or proposal for a contract covered by this prequalification shall be permitted after the deadline in the Prequalification Schedule for submission of Prequalification Submittals, except with the prior written authorization of the District, which authorization may be granted or withheld in the District’s sole discretion. By way of example and without limitation to the foregoing, any person or entity who is an Applicant Member at the time of that Applicant is determined to be prequalified shall not be “switched out” or substituted with other persons or entities after the deadline in the Prequalification Schedule for submission of Prequalification Submittals.

1.6 Interested Parties. There is no limitation on the right of any person, partnership, joint venture, corporation or other association of persons or entities to participate as an Applicant or Applicant Member in more than one Prequalification Submittal. However, no person, partnership, joint venture, corporation or other association of persons or entities that successfully prequalifies to submit a bid or proposal ("Prequalified Applicant") shall be allowed to submit more than one bid or proposal for the same contract or be "interested in" a bid or proposal submitted by any other bidder or proposer for the same contract. For the purpose of this Paragraph, "interested in" means having a managerial or financial interest in another bidder or proposer.

1.7 No Obligation or Warranty by District. Applicants are solely responsible to satisfy themselves as to the suitability of any information provided by the District (including, without limitation, information available on the District Website) that is in the nature of estimates of costs, statement of needs or requirements, projections, budgets, or other information describing the proposed contract(s) or project(s) contemplated by this prequalification and nothing stated in the Prequalification Documents nor elsewhere shall be construed as implying the creation or existence of any warranty, express or implied, on the part of the District with respect to the accuracy, sufficiency or completeness of such information. A determination by the District prequalifying an Applicant shall not be construed as either: (1) a license to do business; (2) a promise or representation on the part of the District that any bids will be invited or solicited only from Prequalified Applicants; or (3) a representation or promise by the District that the Bidding Documents issued with respect to any contract that is the subject of this prequalification will be based only on specifications that are either restricted to one or more manufacturers or that are open to all manufacturers of the same or similar products.

1.8 Objections by Applicant. Any objection by an Applicant to the procedures or processes relating to this prequalification shall be submitted to the District, in writing, not more than seven (7) calendar days prior to the deadline in the Prequalification Schedule for receipt of Prequalification Submittals. Failure by an Applicant to so object shall constitute a final and conclusive waiver by the Applicant of its right to thereafter assert such objection at any other time or for any purpose.

1.9 Calculation of Time Periods Relating to Experience. Wherever in the Prequalification Documents the Applicant is asked to provide information or respond to a question concerning the events occurring within a stated, historical time period (such as, "within the last 5 years"), such time period shall be deemed to mean the period of time that precedes the date that the Applicant's Prequalification Submittal is first submitted to the District; provided, however, that if a question asks for information pertaining to a stated number of prior "full calendar years", it shall mean the calendar years immediately preceding the calendar year in which the Prequalification Submittal is submitted by Applicant.

[Insert the following Paragraphs 1.10 and 1.11 if the prequalification is for a public works contract or a other contract that includes performance of non-incident labor]

1.10 Conditional Safety Record Approval. Applicants seeking prequalification for a contract that involves the performance of labor or services (other than labor or services that are incidental (i.e., not integral) to the placement or use of goods, furniture or equipment) are required to provide as part of their responses to the Prequalification Questionnaire information on their safety record. Any such Applicant that successfully prequalifies but who, for the time period requested in the Prequalification Questionnaire, reflects an Experience Modifier (as established by the Workers Compensation Insurance Rating Bureau) of between 1.00 and 1.24, shall be considered to be "conditionally" approved for prequalification only. Such Applicant must agree, as a condition of bidding and award of such contract to provide (at no additional cost to the District and as part of its bid or proposal price) a representative, whose qualifications are approved by the District, who shall be present on a full-time basis throughout the construction and who shall be dedicated exclusively to matters of safety, including, without limitation, monitoring, enforcing and reporting on matters related

to safety. By its Prequalification Submittal, Applicant specifically acknowledges and agrees that any failure to provide such a representative shall, in addition to constituting a breach of its obligations to the District under its applicable contract, constitute grounds for the District to cancel, revoke or limit the Applicant's prequalification status.

1.11 Subcontractor Safety Qualification. Applicants seeking prequalification for a contract that involves the performance of labor or services (other than labor or services that are incidental (i.e., not integral) to the placement or use of goods, furniture or equipment) are required to use Subcontractors in the first-contracting tier that have either of the following: (1) an Experience Modifier (as established by the Workers' Compensation Insurance Rating Bureau) no greater than 1.24; or (2) all of the following: (a) an Experience Modifier (as established by the Workers' Compensation Insurance Rating Bureau) no greater than 1.50; and (b) a Average Recordable Incidence Rate over the past ____ (____) full calendar years prior to the date of closing for receipt of bids of no greater than 100% of the national average rate of injury and illness cases per 100 full-time workers according to the industrial classification(s) of the Standard Industrial Classification and/or North American Industry Classification Systems as established by the Bureau of Labor & Statistics that correspond to the type of work to be performed by the Subcontractor; and (3) Average Lost Workday Incident Rate over the past ____ (____) full calendar years prior to the date of closing for receipt of bids of no greater than 100% of the national average rate of non-fatal injury and illness cases involving days away from work per 100 full-time workers according to the industrial classification(s) of the Standard Industrial Classification and/or North American Industry Classification Systems as established by the Bureau of Labor & Statistics that correspond to the type of work to be performed by the Subcontractor. District may at its option require that Prequalified Applicants submit, as a condition of either bidding or award of such a contract, certification that all Subcontractors in the first-contracting tier meet the minimum safety standards of this Paragraph. District further reserves the right, at no cost to District, to require that a Prequalified Applicant replace any disqualified Subcontractor in the first contracting tier that does not meet the minimum safety qualifications of this Paragraph and to replace such Subcontractor with another Subcontractor that meets such requirements.

ARTICLE 2

APPLICANT REPRESENTATIONS

Each Applicant, and each Applicant Member signing and submitting a verification in support of the Applicant's Prequalification Submittal, represents that:

2.1 Compliance with Prequalification Documents. The Applicant's Prequalification Submittal is made in compliance with the Prequalification Documents.

2.2 Attendance at Prequalification Conference. If the Prequalification Conference, as stated in the advertisement of this prequalification, is mandatory, the Applicant attended the Prequalification Conference or has demonstrated that it was excused from attendance under the District's Policy on Local, Small and Emerging Business, Board Rule 7103.17 ("Policy on Local, Small and Emerging Businesses").

2.3 Due Authorization. The persons or entities signing a verification of the Applicant's Prequalification Questionnaire are authorized to do so and any such signer that is a corporation is authorized to do business and is in good standing under the laws of the State of California.

2.4 License Status. The Applicant has been issued and currently holds a _____ license [Insert license classification, or "not applicable" if license is not required for performance of proposed contract or contracts] issued by the Contractor's State License Board for the State of California.

2.5 Immigration Reform and Control Act. The Applicant is in full compliance with the provisions of the Immigration Reform and Control Act of 1986 ("IRCA"), as well any similar provisions

of applicable laws setting forth proscriptions or penalties relating to the employment or hiring of undocumented aliens.

2.6 Financial Condition. There has been no significant or material change in the financial condition of any person or entity for whom the Applicant has submitted a Statement of Financial Condition or independent accountant's report since the effective date of the Statement(s) of Financial Condition or independent accountant's report.

[Insert the following paragraphs in any prequalification for a public works contract or other contract that includes performance of non-incident labor]

2.7 Labor Compliance. The Applicant will, if awarded a contract within the classification of contracts provided for in the Prequalification Documents, comply with all of the applicable provisions of the California Labor Code, as well as the District's Project Labor Agreement (if applicable) and the District's Labor Compliance Program (if applicable), including, without limitation, payment of prevailing wages, maintenance and submission of weekly certified payrolls, hiring of apprentices and establishment, implementation and maintenance of an Injury and Illness Prevention Program in accordance with California Code of Regulations, Title 8, Sections 1509 and 3203.

**ARTICLE 3
PREQUALIFICATION SCHEDULE**

3.1 Prequalification Schedule.

The following is the anticipated schedule for the prequalification process:

- 3.1.1 Advertisement of Request for Prequalification** _____;
- 3.1.2 Prequalification Conference** _____;
- 3.1.3 Deadline for Requests for Clarification** _____;
- 3.1.4 Prequalification Submittals Due** _____³
- 3.1.5 Notice of Prequalification Selection** _____;
- 3.1.6 Debriefings (optional)** _____.

3.2 Schedule Changes. The District reserves the right, at any time, to make additions, modifications or deletions to any of the events or dates that comprise the Prequalification Schedule by issuance of a Prequalification Addendum. References in the Prequalification Documents to the Prequalification Schedule, or dates in the Prequalification Schedule, shall mean those set forth in Paragraph 3.1, above, as adjusted by any changes thereto made pursuant to this Paragraph 3.2.

3.3 Proceedings. All proceedings conducted for the purpose of or related to the prequalification of Applicants, other than the Prequalification Conference, shall (unless otherwise directed by the District in a Prequalification Addendum) be closed to the public

3.4 Debarment, Non-Responsibility. A determination by the District that an Applicant is not prequalified does not, unless otherwise expressly stated by District at the time of issuance of its prequalification determination, constitute a finding or determination of debarment or non-

³ If the prequalification process is being conducted in tandem with the competitive bidding of a specific project or contract, the deadline for submission of Prequalification Submittals should be not later than five (5) calendar days prior to the date fixed for the public opening of sealed bids.

responsibility. The prequalification by the District of an Applicant who successfully completes the prequalification process shall be understood to be preliminary only and shall not be interpreted as precluding the District at the time of bidding from: (1) waiving the prequalification requirement; (2) imposing new or additional responsibility requirements as part of the bidding process; or (3) or making a subsequent determination, based on new information received after the conclusion of the prequalification process, that the Prequalified Applicant or any joint bidder or sub-bidder of the Pre-Qualified Applicant is not responsible.

ARTICLE 4

PREQUALIFICATION PROCEDURES

4.1 Prequalification Documents. The Prequalification Documents consist of the following: (1) the Advertisement of Request for Prequalification; (2) these Instructions to Applicants (including, without limitation, all attachments hereto); and (3) Prequalification Addenda. Prequalification Documents may be obtained from [REDACTED] or may be available on the District's Website at: "<http://www.laccd.edu>".

4.2 Prequalification Questionnaire. Applicants will be evaluated for prequalification based on the responses they provide in the Prequalification Questionnaire and other documents, if any, that they are required to submit with the completed Prequalification Questionnaire. All responses to the questions in the Prequalification Questionnaire must be made on the form of Prequalification Questionnaire attached hereto as Attachment No. [REDACTED], excepting only where specifically invited in the Prequalification Documents to be submitted as a separate document. Applicants must provide all of the information that is required by the Prequalification Questionnaire. Failure to provide available information that is requested in a question shall be deemed a failure to respond to the question. Except as otherwise permitted by Paragraph 4.5, below, all information provided shall be current as of the date of submission by Applicant of its Prequalification Submittal.

4.3 Prequalification Submittal. The following documents, comprising the Applicant's Prequalification Submittal, are required to be submitted by an Applicant in order to be considered for prequalification:

4.3.1 a completed Prequalification Questionnaire in the form attached hereto as Attachment No. [REDACTED];

4.3.2 completed verifications in the form attached hereto as Attachment No. [REDACTED], signed in the manner required by these Instructions to Applicants, on behalf of the Applicant and, if the Applicant is a Project Joint Venture, a separate verification signed on behalf of the Principal Managing Partner of the Project Joint Venture.

4.3.3 a completed and signed Release of Information in the form attached hereto as Attachment No. [REDACTED], signed by the Applicant and each Applicant Member;

4.3.4 either (1) a completed Statement of Financial Condition and signed Certificate of Accountant in the appropriate form attached hereto as Attachment No. [REDACTED], or (2) a certified public accountant's report in the form required by Paragraph 4.5, below, for the following: Applicant; Principal Managing Partner (if Applicant is a Project Joint Venture, as defined in Paragraph 4.4, below); and [REDACTED] **[Insert any additional persons or entities from whom financials will be required, including, without limitation, any guarantors upon a Guaranty of Performance submitted as a Supplemental Financial Resource]**; and

all other documents or information that Applicant is required to submit under the terms of the Prequalification Documents.

4.4 Project Joint Ventures. Except as otherwise provided in this Paragraph 4.4 or Paragraph 4.6, below (pertaining to Supplemental Financial Resources), an Applicant's financial condition will be evaluated by District based solely upon the financial condition of the Applicant and [redacted] **[Insert description of any others (such as, Applicant Members) whose financial information will be considered]**; information on the financial condition of others shall not be considered. If the Applicant is a Project Joint Venture, meaning a joint venture formed solely for the purpose of performing a contract or classification of contracts for the District, then the Applicant may submit in place of financial information about the Applicant, financial information about the person or entity who serves as the Principal Managing Partner of the Project Joint Venture. "Principal Managing Partner" means the joint venture partner primarily responsible for the day-to-day management of the business of the Project Joint Venture and whose experience or financial condition is necessary to Applicant's ability to prequalify for and perform of the contract(s) for which the Applicant seeks prequalification.

4.5 Statement of Financial Condition. Each Applicant is required to submit as part of its Prequalification Submittal a Statement of Financial Condition. A Statement of Financial Condition must be in the form as specified in Section II of the Prequalification Questionnaire, audited or [redacted] **[Insert, "reviewed", if permitted. Note that certification of "compiled" financial information is not acceptable.]** in accordance with generally accepted accounting principles by an independent, certified public accountant who is registered and licensed under the laws of any state and who is not employed by the Applicant or any of its Applicant Members. The Statement of Financial Condition shall reflect the financial condition of the individual or firm as of the end of the last fiscal year prior to the original deadline in the Prequalification Schedule for submission of Prequalification Submittals (without adjustment to that deadline for any changes in the Prequalification Schedule). The Applicant's completed Statement of Financial Condition shall, when submitted to the District as part of the Applicant's Prequalification Submittal, be accompanied by either a duly executed Certificate of Accountant (using the applicable form attached hereto as Attachment No. [redacted]) or an independent accountant's report. An independent accountant's report, if relied upon, shall set forth the following: the name, address and telephone number of the accounting firm conducting the audit [redacted] **[Insert "or review", if permitted]**; the license number, issuing state and expiration date of license and signature of the certified public accountant conducting the audit [redacted] **[Insert "or review", if permitted]**; the date of the audit [redacted] **[Insert "or review", if permitted]**; the degree of responsibility assumed by the certified public accountant that is commensurate with the degree of responsibility set forth in the applicable Certificate of Accountant attached hereto as Attachment No. [redacted]; and the certified public accountant's opinion. The submission of a Statement of Financial Condition and Certificate of Accountant or independent accountant's report that contains an exception must further include a statement of the reasons for the exception, the approximate amount involved and the overall effect of the exception on financial condition of the person or entity audited [redacted] **[Insert "or reviewed", if permitted]**. If the Applicant fails to complete all of the financial information requested or if exception is taken by the auditing [redacted] **[Insert "or reviewing", if permitted]** certified public accountant to any information provided, then the District reserves the right, in its sole discretion, to choose to not accept the Statement of Financial Condition, reject the entire Statement of Financial Condition, or exclude any affected portion of the Statement of Financial Condition from consideration in determining whether the Applicant meets the minimum requirements of financial ability required for prequalification. The District reserves the right, but shall not have the obligation, to request additional information from an Applicant as may be necessary to complete its evaluation of the financial ability of any person or entity who has submitted a Statement of Financial Condition that is relied upon by the Applicant. Applicant is responsible to provide such information, if requested, within five (5) calendar days of request by the District.

4.6 Public Contracting Experience. Applicants are required to meet the minimum requirements for demonstrated public contracting experience in one or more of the following areas of public contracting ("Public Contracts"):

Category 1: A Category 1 Public Contract includes the furnishing, sale or lease of equipment, materials or supplies to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

Category 2: A Category 2 Public Contract includes the furnishing of services, other than construction services, to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

Category 3: A Category 3 Public Contract includes the construction, reconstruction, erection, alteration, renovation, improvement, demolition, or repair (other than routine and recurring maintenance, such as minor painting, landscape maintenance, maintenance to keep, operate and maintain water, power or waste disposal systems and resurfacing of streets at less than one inch) of any plant, building, structure, ground facility or utility system that is owned or operated by any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

The category of Public Contract for which Applicants are being invited to prequalify is a Category Public Contract (Questions in the Prequalification Questionnaire concerning an Applicant's experience may request experience on any or all categories of Public Contracts listed above. Each Question relating to Public Contract experience will identify the type(s) of Public Contract(s) that is (are) the subject of the Question)

4.8 Evaluation of Prequalification Submittals. Each Applicant's Prequalification Submittal will be evaluated based on responses to a series of "pass/fail" questions stated in the Prequalification Questionnaire.

4.9 Additional Investigations. District shall have the right, but not the obligation, before or after an Applicant has been prequalified, to investigate the facts or circumstances of any response by an Applicant. Except as provided in Article 5, below, the District has no obligation to afford any Applicant the opportunity, as part of the scoring process of an Applicant's Prequalification Submittal or otherwise, to respond to any adverse information that may be received as a result of such investigations. In addition to the foregoing, the District shall have the right, but not the obligation, before or after an Applicant has been prequalified, to designate auditors to perform audits or reviews of the books or accounts of any Applicant or Prequalified Applicant, or any other person or entity upon whose financial condition the Applicant has relied in seeking prequalification, in order to confirm the accuracy and completeness of financial information provided. The Applicant must make provision for and is responsible to ensure full and prompt cooperation with such audits or reviews.

4.12 Prequalification Selection. The District will designate an individual or group of individuals to conduct on behalf of the District the evaluation of the Applicant's Prequalification Submittal. The identities of such individual(s) shall not be disclosed by the District to the Applicants.

4.13 Unauthorized Communications. Unless and except requested to do so in writing by the Executive Director of Facilities Planning & Development for the District (or his/her designee) or as otherwise permitted by these Instructions, Applicant and Applicant Members shall not prior to completion of the prequalification process communicate, either verbally or in writing, with: (1) any consultant or professional retained by the District for the purpose of providing the District advice or professional services in respect to the prequalification process or the contract(s) contemplated by the prequalification process; or (2) any employee or representative of the District concerning any aspect of the prequalification process or the contract(s) contemplated by the prequalification process.

4.14 Prequalification Conference. A non-mandatory mandatory Prequalification Conference will be conducted on the date set forth in the Prequalification Schedule commencing promptly at :00 a.m./p.m. at . Except as otherwise excused under the District's Policy for Local, Small and Emerging Businesses, attendance at a mandatory Prequalification Conference is a condition to Applicant's right to be considered for prequalification by the District.

4.15 Requests for Clarification. Applicants are solely responsible to seek clarification, if needed, of any portion of the Prequalification Documents. All requests by Applicants for clarification of the Prequalification Documents must be submitted, between the hours of :00 a.m. and :00 p.m. and prior to the deadline in the Prequalification Schedule for Requests for Clarification, by hand delivery, mail, fax or e-mail to the following: . Requests for clarification received after that time will not be responded to. Failure by an Applicant to seek clarification of any portion of the Prequalification Documents shall not relieve the Applicant from its representations as set forth hereinabove nor serve as the basis for any claim by the Applicant that it was mistaken or misled in connection with the preparation of its Prequalification Submittal.

4.16 Prequalification Addendum. Interpretations, corrections and changes by the District of the Prequalification Documents will be made by Prequalification Addendum. Interpretations, corrections and changes of the Prequalification Documents made in any other manner shall not be relied upon and will not be binding upon the District. Notice of issuance of a Prequalification Addendum that is issued prior to the original or revised deadline for submission of Prequalification Submittals shall be given only to the Applicants at the address provided by them at the Prequalification Conference. Notice of Prequalification Addenda that are issued after the deadline in the Prequalification Schedule for submission of Prequalification Submittals shall be given only to the Applicants who have submitted Prequalification Submittals in accordance with the requirements of the Prequalification Documents. Notice by the District of a Prequalification Addendum shall be effective if made by hand delivery, mail, facsimile or e-mail. The District also anticipates (but shall not be obligated for) making Prequalification Addenda available for review on the District Website. Failure of an Applicant to receive a Prequalification Addendum shall not entitle the Applicant to an extension of the Prequalification Schedule nor shall it permit the submission of any additional prequalification information after the deadlines set forth in the Prequalification Schedule.

4.17 Preparation. The portions of the Prequalification Submittal prepared or filled in by the Applicant must be either typed or completed in ink. Responses in pencil will be deemed unacceptable. For "Yes" or "No" answers, indicate either "Yes" or "No" by putting a check mark or "X" mark in the box next to the "Yes" or "No". If there is a requirement that the Applicant or any Applicant Member submit any additional documents, they shall be packaged as part of the Applicant's Prequalification Submittal. One (1) original marked "original" and () copies of the Prequalification Submittal shall be submitted.

4.18 Verification. Prequalification Questionnaires must be verified by execution of the Verification attached hereto as Attachment No. by a representative of the Applicant and [Insert any others who are required to sign a verification] that is authorized to contractually bind the Applicant. If the Applicant is a Project Joint Venture (as defined in Paragraph 4.4, above), then an additional Verification shall also be submitted signed by the Principal Managing Partner of the Project Joint Venture.

4.19 Submission. Prequalification Submittals shall be hand delivered to, or received by mail at, the , at any time Monday through Friday during regular working hours of :00 a.m. to :00 p.m., up to and including the deadline for receipt of Prequalification Submittals set forth in the Prequalification Schedule. Submissions after the aforesated deadline will not be considered. The Applicant assumes full and sole responsibility for timely receipt of its complete Prequalification Submittal at the aforesated time and location designated for receipt thereof. Prequalification Submittals that are received after the deadline specified in these Instructions to

Applicants shall be returned, unopened; provided, however, that a late Prequalification Submittal may be considered if it is the only Prequalification Submittal received.

4.20 Sealed Envelope. Each Prequalification Submittal, including the original and all copies, shall at the time of delivery be enclosed in a single, sealed opaque envelope. Piecemeal submissions are not permitted. Said envelope, as well as any other, outer envelope or packaging in which said envelope may have been placed by the Applicant or the carrier for delivery, shall be addressed and delivered as required by these Instructions and shall be clearly and conspicuously labeled with the Applicant's name and address, the identifying number of the project or contract noted on the cover page of the Request for Prequalification and the words "CONFIDENTIAL".

4.21 Delivery. Deposit of Prequalification Submittals shall be by hand delivery or mail and must be received by the District prior to the deadline in the Prequalification Schedule for submission of Prequalification Submittals. Oral, telephonic, facsimile or electronically transmitted Prequalification Submittals will not be considered. The Applicant assumes full responsibility for timely delivery of its Prequalification Submittal at the location designated therefor in these Instructions.

4.22 Supplemental Information. District reserves the right, in its sole discretion, but shall not have the obligation, to request, receive, evaluate and score as part of its evaluation of an Applicant's Prequalification Submittal any additional or supplemental information relevant to the questions in the Prequalification Questionnaire that District may receive from an Applicant or another source, including, without limitation, information received after the deadline for receipt of Prequalification Submittals set forth in the Prequalification Schedule. Unless requested by the District in a Prequalification Addendum or otherwise required by these Instructions, an Applicant shall not have the right after the deadline in the Prequalification Schedule for receipt of Prequalification Submittals to submit new or additional information to supplement its Prequalification Submittal.

4.23 Withdrawal, Resubmission. Prequalification Submittals may be withdrawn at any time upon written notice to the District that is received by District at the place for receipt of Prequalification Submittals. Prequalification Submittals withdrawn prior to the deadline for receipt thereof set forth in the Prequalification Schedule may be resubmitted up to the deadline for submission of Prequalification Submittals set forth in the Prequalification Schedule.

4.24 Rejection, Cancellation, Revocation. Without limitation to any of the District's other rights under the Prequalification Documents, applicable laws or the terms of any contract between the District and an Applicant, the District reserves the right, exercised in its sole discretion, to at any time: (1) reject any Prequalification Submittal that fails to comply with the requirements of the Prequalification Documents or that contains any information that the District determines contains false or misleading information; (2) reject all Prequalification Submittals; (3) withdraw and cancel its Request for Prequalification; or (4) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant based on subsequently-learned information indicating that the Prequalified Applicant's Prequalification Submittal contained false or misleading information; (5) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant based on receipt of new information that the Prequalified Applicant is obligated to disclose in accordance with its continuing obligations under Paragraph 4.25, below, including, without limitation, any such new information that reflects a material change in the financial condition of any person or entity submitting a Statement of Financial Condition or independent accountant's report; (6) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of all Prequalified Applicants who have previously prequalified for the same project or contract or classification of projects or contracts for any reason, without cause and for its convenience (with or without the issuance of a further request for prequalification); **[Insert the following if applicable: "(7) cancel, revoke or limit the prequalification status of a Prequalified Applicant who has received a Conditional Safety Record Approval pursuant to Paragraph 1.10, above, and who fails to provide a full-time safety representative as required by said Paragraph"]**. Exercise by District of its rights under this Paragraph or of any

other right of District under these Instructions to Applicants or applicable laws to cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant shall not, under any circumstances, give rise to any liability or obligation on the part of District nor shall it constitute grounds for any claim by an Applicant for recovery from District of any loss, damage, cost or expense.

4.25 New Information by Applicant. Applicant has the continuing obligation, commencing upon submission of its Prequalification Submittal and continuing for so long as such Applicant's prequalification status is in effect during its original limitation period as provided in Paragraph 4.27, below, and any period of renewal thereof, to immediately notify the District, in writing, if it learns that any of the following have occurred: (1) any statement made in its Prequalification Submittal was false or misleading; (2) circumstances have occurred since the Applicant submitted its Prequalification Submittal that, if they had occurred prior to the date that Applicant submitted its Prequalification Submittal, would have constituted grounds for the automatic disqualification of the Applicant under the terms of Part A of Section II of the Prequalification Questionnaire; **[Insert the following, if applicable: "provided, however, that the obligation set forth in Clause (2) of this Paragraph shall not extend to or include the providing of information that would involve a recalculation of the Applicant's Experience Modifier Rate"]**; (3) there has been a change in or addition to the Applicant Members"]; (4) the Applicant (or the Principal Managing Partner if the Applicant is a Project Joint Venture) has undergone a change in ownership in which ownership of 50% or more of its stock or assets has changed; (5) the Principal Managing Partner of the Applicant (if the Applicant is a Project Joint Venture) has ceased to function, or fully function, in the capacity of a Principal Managing Partner as defined in Paragraph 4.4, above, or (6) there has occurred a reduction in net worth or working capital (as reported in the Statement of Financial Condition or independent accountant's report of such person or entity submitted as part of Applicant's Prequalification Submittal) of more than twenty-five percent (25%).

4.26 Certification for Bidding. Prequalified Applicants may be required by District, as a condition of submitting a bid or proposal for a contract to prepare and file a certification affirming under oath that it has no new information to disclose that would constitute new information of the type that it has a continuing obligation to disclose pursuant to Paragraph 4.25, above. **[Insert the following if appropriate: "Additionally, Prequalified Applicants may be required to similarly certify the following: (1) if the Applicant has received a Conditional Safety Record Approval, that the Applicant will provide a full-time safety representative as required by Paragraph 1.10, above; and (2) that no part of the Applicant's bid for any contract that is the subject of this prequalification will be based upon, and no portion of such contract will be performed by, any Subcontractor of the first contracting tier who does not meet the minimum safety requirements set forth in Paragraph 1.11, above"]**.

4.27 Limitation Period. Prequalification may be conducted for a specific project or contract or for a class or category of projects or contracts. A determination by the District that the Applicant is prequalified to submit a bid or proposal for a class or category of projects or contracts shall, unless otherwise cancelled, revoked or limited by the District in accordance with the terms of the Prequalification Documents governing such determination, remain valid for a period of twelve (12) months after the date of submission by the Applicant of its Prequalification Submittal, at which point the District may either allow the prequalification status of the Applicant to expire of its own force or the District may, in its sole discretion, either conduct a new prequalification or based on submission of updated or new information by the Applicant renew the Applicant's prequalification status for another twelve (12) months.

4.28 Waiver of Irregularities. The District reserves the right to waive minor or clerical irregularities, errors or omissions in the information contained in any Prequalification Submittal or in regard to any Applicant's compliance with the prequalification process, and to make all final determinations with respect thereto.

4.29 Not Public Records. Except as otherwise provided by applicable laws, the Prequalification Submittal (including, but not limited to, any included financial statements) are not public records and are not open to public inspection.

4.30 Applicable Laws. All Prequalification Submittals must be submitted, filed, made and executed in accordance with applicable laws, whether such applicable laws are expressly referred to herein or not.

4.31 Costs and Expenses. Applicants shall bear, at their own expense and without reimbursement by the District, all costs and expenses associated with their participation in the prequalification process.

4.32 Receipt of Notices. Notices by the District to an Applicant that are issued after the deadline in the Prequalification Schedule for submission of Prequalification Submittals shall be deemed delivered and received by the Applicant if provided by delivery, mail, facsimile or e-mail to the Applicant at the address provided by the Applicant at the Pre-Qualification Conference, in the Pre-Qualification Questionnaire, or at the Applicant's last known address.

4.33 Notice of Prequalification. The District will issue a Notice of Prequalification to Applicants who have completed and submitted Pre-Qualification Submittals. Formal issuance of a Notice of Prequalification is for the convenience of the Applicants and is not a condition to the validity of the District's determination that an Applicant is or is not prequalified.

4.34 Non-Transferable. Neither an Applicant's Prequalification Submittal nor a Prequalified Applicant's prequalification status is assignable or transferable. Any attempt to assign or transfer in violation of this provision shall be null and void at its inception.

4.35 Subsequent Responsibility Determinations. A determination that an Applicant is prequalified does not constitute a waiver by the District of its right to make a subsequent determination that a Prequalified Applicant, or any sub-bidder to a Prequalified Applicant, is not responsible to submit a bid or proposal for a particular contract, including, without limitation, any contract contemplated by the Prequalification Documents.

4.36 Debriefing. At the District's option, exercised in its sole discretion after the issuance of the Notice of Prequalification, the District may make available for those requesting it an opportunity for a debriefing. Debriefings, if conducted, will be conducted in accordance with the Prequalification Schedule. At the pre-qualification debriefings, summaries of the overall evaluations of Prequalification Submittals will be reviewed. Copies of Prequalification Submittals or scoring of individual questions will not be provided nor will there be point-by-point comparisons of competing Prequalification Submittals.

ARTICLE 5 APPEAL

5.1 Protests. Any Applicant may dispute the District's determination relative to that Applicant's disqualification or failure to prequalify by filing a protest provided that each and all of the following are complied with:

5.1.1 The protest is in writing.

5.1.2 The protest is filed with and received by the District at the following address, Los Angeles Community College District, 770 Wilshire Blvd, 3rd Floor, Los Angeles, CA, 90017, Attention: Executive Director of Facilities Planning and Development, not more than five (5) calendar days following the date of issuance of the District's Notice of Prequalification and prior to the closing time for receipt of bids (if any) for the contract(s) or project(s) that are the subject of the prequalification.

Failure to timely file the protest shall constitute grounds for the District to deny the protest without further consideration of the grounds stated therein. Timely receipt of a protest shall not constitute grounds for postponement of the closing time for receipt of bids.

5.1.3 The protest sets forth, in detail, all grounds for the protest, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the protest. Any grounds not set forth in the written protest shall be deemed waived. All factual contentions must be supported by competent, admissible and credible evidence. Any protest not conforming to the foregoing shall be rejected as invalid.

5.2 Statement of Grounds. Upon written request by the Applicant, provided either prior to or included as part of the Applicant's written submission of its protest, the District shall provide notification to the Applicant in writing of the basis for the disqualification, including a summary of any evidence adduced by the District in support of its determination.

5.3 Hearing. An Applicant that has properly filed a protest in accordance with the requirements of this Article 5 shall be given notice and opportunity to appear before an Appeal Committee, consisting of individuals appointed by the Board of Trustees for the District, to rebut any evidence used as a basis for disqualification and to present evidence as to why the Applicant should be found qualified.

5.4 Final Decision. The Appeal Committee shall provide a written decision to the Applicant submitting the protest, either concurring with or denying the protest. The written decision of the Appeal Committee shall be final, unless overturned by the Board of Trustees.

ATTACHMENT NO. _____

PREQUALIFICATION QUESTIONNAIRE

Applicants must provide all of the information requested. If additional space is needed, please continue on a separate page and attach it to this Prequalification Questionnaire.

I. CONTACT AND BUSINESS INFORMATION

The contact and general business information requested in this Section I shall be provided by the Applicant and Applicant Members. Although this information is required as a condition of prequalification, the responses provided will not be included in the scoring of the Applicant's Prequalification Submittal.

A. Applicant and Contact Information

1. Applicant Information:

a. Name of Applicant: _____
(if a license is required by the Instructions, enter name as it appears on license)

b. Address: _____ (street) _____ (city) _____ (state)

c. Phone: _____

d. Fax: _____ E-mail: _____

e. Business Form:(check one)

- Corporation Partnership Individual/Sole Proprietor
 Joint Venture LLC
 Other _____ (Describe _____)

f. Length of time in business in California: _____. (If not continuous, state all start and end dates)

g. Name, telephone and e-mail address of contact person: _____.

2. Applicant Member Information: (See, Paragraph 1.5 of the Instructions to Applicants for definition of "Applicant Member". Provide the following information for each Applicant Member)

a. Name of Applicant Member _____
(if an Applicant license is required by the Instructions and the Applicant Member is the qualifier for the license, enter name as it appears on the Applicant Member's individual license)

b. Address: _____ (street) _____ (city) _____ (state)

c. Phone: _____

d. Fax: _____ E-mail: _____

e. Business Form:(check one)

- Corporation Partnership Individual/Sole Proprietor
 Joint Venture LLC
 Other _____ (Describe _____)

f. Length of time in business in California: _____ . (If not continuous, state all start and end dates)

g. Name, telephone and e-mail address of contact person:_____.

3. Principal Managing Partner Information (Project Joint Ventures): (See, Paragraph 4.4 of the Instructions to Applicants for the definitions of "Project Joint Venture" and "Principal Managing Partner". If the Applicant is not a Project Joint Venture, then enter "not applicable")

a. Name of Project Managing Partner: _____

b. Address: _____ (street) _____ (city) _____ (state)

c. Phone: _____

d. Fax: _____ **E-mail:** _____

e. Business Form:(check one)

- Corporation Partnership Individual/Sole Proprietor
 Joint Venture LLC
 Other _____ (Describe _____)

f. Length of time in business in California: _____ . (If not continuous, state all start and end dates)

g. Name, telephone and e-mail address of contact person:_____.

B. Business Information

1. Corporations:

a. If the Applicant is a corporation, provide the following information for each officer of the corporation and for owners of 10% or more of the corporate stock:

Position	Name and Social Security Number	Years with Co.	% Ownership

a. If the Applicant is an individual doing business as a sole proprietorship, please complete the following:

Owner Name and Social Security Number	Years as Owner

b. Current fictitious business name(s) and date(s) of filing of fictitious business name statement(s): _____.

3. Partnerships, Joint Ventures, Other Associations:

a. If the Applicant is a joint venture, partnership or other association of persons or entities, provide the following for each Applicant Member of the joint venture, partnership or association. (Attach additional pages if necessary):

Name of Individual (with Social Security Number) Or Entity (with Federal Tax ID number)	Principal Contact	Position	Years with Joint Venture/ Partnership	% Ownership Interest

b. State the date the partnership, joint venture or other association was formed:_____.

c. State the partnership's, joint venture's or other association's Federal Tax ID number:_____.

d. Is there any limitation on the duration or proposed activities of the partnership, joint venture or other association?

Yes No

If so, please explain: _____.

C. License Information

(Only to be completed if the Instructions state that a license is required for prequalification. If more than one license is required, provide the information requested for each license)

1. License Class: _____ License Number: _____

2. Expiration Date: _____

3. Name of Qualifying Individual(s): _____

4. Supplemental classification(s) held, if any: _____

5. License Number(s): _____

6. Expiration Date(s): _____

7. Name of Qualifying Individual(s): _____

8. Has the Applicant ever been licensed under a different name or license number (other than the license number(s) described above)?

Yes No

If yes, give name(s), license number(s), state(s) where licensed and date(s) of expiration: _____.

II. PUBLIC CONTRACTS EXPERIENCE

The questions in this Section II concern the Applicant's and Applicant Members' experience in public contracting. The term "Public Contracts" as used herein include the following:

Category 1: A Category 1 Public Contract includes a contract for the furnishing, sale or lease of equipment, materials or supplies to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

Category 2: A Category 2 Public Contract includes a contract for the furnishing of services, other than construction services, to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

Category 3: A Category 3 Public Contract includes a contract for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, or repair (other than routine and recurring maintenance, such as minor painting, landscape maintenance, maintenance to keep, operate and maintain water, power or waste disposal systems and resurfacing of streets at less than one inch) of any plant, building, structure, ground facility or utility system that is owned or operated by any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

The Category of Public Contract for which prequalification is being sought by the District is a Category Public Contract; however, questions may ask for information concerning any or all the above listed Categories of Public Contracts.

A. General Requirements

The questions appearing under this Part A of Section II constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis. A “no” answer to any question shall result in automatic disqualification.

1. Is it true that the Applicant currently holds the following license(s): ? **[Insert applicable license or “not applicable” if no license is required by the Instructions]**

Yes No

2. Is it true that the Applicant or an Applicant Member completed during the past () years at least two (2) Category Public Contracts each having a total contract value of at least \$? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

3. Is it true that within the last () years a surety firm has not had to complete, or pay for completion of, a Category , or Public Contract on behalf of Applicant or any Applicant Member because the Applicant or Applicant Member was terminated by the project owner? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

4. Is it true that within the last () years neither the Applicant nor any Applicant Member has failed, due to a default by the Applicant or an Applicant Member, to complete a Public Category , or Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

5. Is it true that within the last () years neither the Applicant nor any Applicant Member has been debarred from contracting with a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

6. Is it true that no owner, officer, director or managing officer of the Applicant or an Applicant Member **[Insert the following, if applicable: “or responsible managing employee on the Applicant’s contractor’s license”]** has ever been indicted or convicted (including, without limitation, a plea of guilty or nolo contendere) of a felony crime? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

7. Is it true that neither the Applicant nor any Applicant Member has ever been indicted or convicted (including, without limitation, a plea of guilty or nolo contendere) of a crime (including a felony or misdemeanor) relating to the bidding, awarding or performance of a contract with a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

8. Is it true that neither the Applicant nor any Applicant Member has ever been determined by a public agency, public authority or court of law to have submitted a false claim to a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

[Insert the following Questions 9 through 14 if the prequalification is for a public works contract or other contract that includes performance of non-incident labor]

9. Is it true that neither the Applicant nor any Applicant Member has ever had penalties assessed against it pursuant to Labor Code sections 1777.1 [violation of prevailing wage or related requirements]? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

10. Is it true that neither the Applicant nor any Applicant Member has ever been found in violation of Labor Code sections 1777 [violation of payroll requirements], 1777.5 [apprenticeship requirements], 1778 [unlawful kickbacks], 1779 [charging a fee for registering], or 1780 [charging a fee to obtain employment]? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

11. Is it true that within the last () years CAL OSHA has not cited and assessed penalties against either the Applicant or an Applicant Member for any “willful” violations of its safety or health regulations in connection with performance of a Category , or Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

12. Is it true that within the last () years has CAL OSHA has not cited and assessed penalties against either the Applicant or an Applicant Member for more than () “serious” violations of its safety or health regulations in connection with a Category , or Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

13. Is it true that the Applicant’s “Experience Modification Rate (EMR)” (as established by the Workers’ Compensation Insurance Rating Bureau) is not greater than 1.00 ? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

14. Is it true that the Applicant has established an Injury and Illness Prevention Program in accordance with California Code of Regulations, Title 8, Sections 1509 and 3203?

Yes No

[Insert the following Question 15 if the prequalification is for a contract that requires the bidder hold a contractor’s license]

15. Is it true that within the last () years no contractor license held by the Applicant or any Applicant Member been revoked or suspended? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

[Insert the following Question 16 if the District has adopted a procedure for performance evaluations on District contract(s) or project(s)]

16. Is it true that within the past () years neither the Applicant nor any Applicant Member has received an “unacceptable” rating on a performance evaluation conducted the District or any of its Colleges? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

17. Is it true that neither the Applicant nor any Applicant Member has ever been denied an award of a Category , or Public Contract based on a finding by a public agency that they were not a responsible bidder?

Yes No

18. Is it true that at no time within the last () years has the Applicant or an Applicant Member refused to sign a Category , or Public Contract awarded to it?

Yes No

19. Is it true that within the last () years no claim or other demand been asserted against any bid bond, performance bond or labor and material payment bond posted by the Applicant or an Applicant Member in connection with a Category , or Public Contract?

Yes No

20. Is it true that within the last () years CAL OSHA has not cited and assessed penalties against the Applicant or any Applicant Member for any “serious,” “willful” or “repeat” violations of its safety or health regulations in connection with a Public Works project?

(NOTE to Applicant: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.)

Yes No

[SPACE RESERVED FOR ADDITIONAL QUESTIONS RELATING TO PROJECT-SPECIFIC MINIMUM/PASS-FAIL REQUIREMENTS]

B. Past Project Experience

The following questions concern the Applicant's general experience in public contracts. Failure or inability to provide the required number of past projects requested shall result in disqualification. In those instances where a question asks for further information that includes the name of a contact person, the Applicant is required to identify, whenever possible, the person available and most knowledgeable about the circumstances that are the subject of the question. If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture.

1. List () Category Public Contracts, having a contract value of more than \$ that the Applicant (or, if the Applicant is a Project Joint Venture, its Principal Managing Partner) has completed in the past () years. For each such Public Contract listed state: (a) the project name; (b) a general description of the Applicant's scope of performance required under the contract; (c) the total dollar amount of the contract; (d) the name, address and telephone number of a representative for the project owner who may be contacted as a reference; (e) the date of actual completion of the contract and (f) whether the contract was completed within the contractual time and the budget or price provided for in the contract.

Project Name	Scope	Price	Owner Contact (Name/Address/Telephone)	Completion Date	Successful Completion (yes/no)

B. PROJECT-SPECIFIC PUBLIC CONTRACTS EXPERIENCE

[SPACE RESERVED FOR ADDITIONAL PROJECT-SPECIFIC SCORED QUESTIONS]

III. FINANCIAL INFORMATION

A. General Information

The general financial information requested in this Part A of Section III must be provided by the Applicant (or, if the Applicant is a Project Joint Venture, its Principal Managing Partner). Although this information is required, the responses provided will not be included in the scoring of the Applicant's Prequalification Submittal.

1. Accounting

a. Name of Accounting firm: _____ Phone: _____ Fax: _____

b. How many years has this firm prepared financial statements for the Applicant?: _____

c. How many years has this firm prepared tax returns for the Applicant?: _____

d. Applicant's fiscal year end: _____

e. Are all Applicant's current taxes obligations fully paid?: Yes No. If no, explain reasons _____.

f. Accounting Method:

Cash Accrual Other (Explain: _____)

g. Method of Reporting Income:

Completed Contracts % of Completion Other (Explain: _____)

h. Do the methods used in preparing the Statement of Financial Condition or independent accountant's report conform to the methods of accounting and reporting of income used by the person or entity audited for the year audited?

Yes No If no, explain reason: _____.

2. Bank

a. Name of Bank _____ Account Manager _____

b. Address _____ Phone Number (____) _____

c. Account Numbers: _____

d. Amount of line of credit \$ _____ Amount in use \$ _____
How secured: _____ Expiration date: _____

B. Minimum Financial Ability Requirements

The questions appearing under this Part B constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis and failure to meet any of these minimum requirements shall result in automatic disqualification. There is no separate scoring of the Applicant's responses.

1. Within the last ____ (____) years has the Applicant or any Applicant Member either: (1) declared bankruptcy; (2) had filed against it a petition for involuntary bankruptcy; (3) been placed in receivership; or (4) entered into an assignment of substantially all of its assets for the benefit of its creditors? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

Yes No

2. If the Applicant is not a Project Joint Venture (as described in Paragraph 4.4 of the Instruction to Applicants), is the estimated total amount of the contract for which prequalification is required herein of \$ _____ exceeded by either: (a) the product of ten (10) times the Applicant's working capital (current assets); or (b) the product of four (4) times the Applicant's net worth* (assets less liabilities)?

Yes No Not Applicable-Applicant is a Project Joint Venture

[Note: An answer to the preceding question that "Applicant is a Project Joint Venture" shall not result in disqualification unless the answer to the next Question No. 3 is "No".]

3. If the Applicant is a Project Joint Venture (as described in Paragraph 4.4 of the Instructions to Applicants), is the estimated total amount of the contract for which prequalification is required herein of \$_____ exceeded by either: (1) the product of ten (10) times the working capital (current assets) of the Principal Managing Partner; or (2) the product of four (4) times the net worth* (assets less liabilities) of the Principal Managing Partner?

Yes No Not Applicable-Applicant is not a Project Joint Venture

[Note: An answer to the preceding question that "Applicant is not a joint Project Joint Venture" shall not result in disqualification unless the answer to the preceding Question No. 2 is other than "Yes".]

* If the Applicant is submitting Supplemental Financial Resources in the form of a letter of credit, the amount of the letter credit shall be deemed an additional asset of the Applicant for purposes of determining the Applicant's "net worth" and "working capital."

C. Statement of Financial Condition

The following Statement of Financial Condition and Certificate of Accountant, or an independent accountant's report, is required in order to verify that the Applicant has met the minimum financial requirements for prequalification.

STATEMENT OF FINANCIAL CONDITION

CURRENT ASSETS \$ _____

CURRENT LIABILITIES. \$ _____

ATTACHMENT NO. █

CERTIFICATE OF ACCOUNTANT (AUDIT)

I (We) have audited the Statement of Financial Condition of _____
("Company") as of _____. The Statement of Financial Condition is the
responsibility of the Company. My (our) responsibility is to express an opinion on the Statement
of Financial Condition.

My (our) audit was made in accordance with generally accepted auditing standards, and
accordingly included such tests of the accounting records and such other auditing procedures
as I (we) considered necessary in the circumstances.

In my (our) opinion, the accompanying financial statement included on pages ___ to
___, inclusive, sets forth fairly the financial condition of _____ as of
_____, in conformity with generally accepted accounting principles.

(Print Name of CPA)

(CPA to sign here)

(Name of CPA Firm)

(Date signed)

(Address of CPA)

(CPA License No.)

(CPA Telephone No.)

ATTACHMENT NO. █

CERTIFICATE OF ACCOUNT (REVIEW)

I (We) have reviewed the accompanying financial statement of _____
("Company") as of _____. The information included in the financial statement is
the representation of the management of the Company.

Based on my (our) review, I am (we are) not aware of any material modifications that
should be made to the accompanying Statement of Financial Condition in order for it to be in
conformity with generally accepted accounting principles.

NOTE THIS REVIEW CONSISTS PRINCIPALLY OF INQUIRIES OF COMPANY
MANAGEMENT AND APPROPRIATE ANALYTICAL PROCEDURES APPLIED TO FINANCIAL
DATA. IT IS SUBSTANTIALLY LESS IN SCOPE THAN AN EXAMINATION IN ACCORDANCE
WITH GENERALLY ACCEPTED AUDITING STANDARDS, THE OBJECTIVE OF WHICH IS
THE EXPRESSION OF AN OPINION REGARDING THE FINANCIAL STATEMENTS TAKEN
AS A WHOLE. ACCORDINGLY, I (WE) HAVE NOT EXPRESSED SUCH AN OPINION.

(Print Name of CPA)

(CPA to sign here)

(Name of CPA Firm)

(Date signed)

(Address of CPA)

(CPA License No.)

ATTACHMENT NO. [REDACTED]

AUTHORIZATION TO RELEASE INFORMATION

The undersigned Applicant hereby authorizes and consents to the District obtaining information from third parties, including, but not limited to any individual(s) or individual representative(s) of any firm(s), entity(ies) or organization(s) listed in the Applicant's Prequalification Submittal, for the purpose of verifying the information provided by the Applicant or for any other purpose related to the evaluation of Applicant's qualifications. Applicant recognizes that to ensure the effectiveness of the prequalification process, such individuals must be able to speak frankly and openly. Accordingly, Applicant hereby fully and unconditionally releases and discharges the third party individuals and the firms, entities and organizations they represent, from any claim or liability relating to information provided by it/him/her/them to the District in connection with the processing, investigation and evaluation by District of the Applicant's Prequalification Submittal.

Name of Applicant

Signature

Title

Date

ATTACHMENT NO. _____

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF _____

I have read the foregoing **PREQUALIFICATION QUESTIONNAIRE (including, without limitation all attached pages)** and know its/their contents.

- The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and to those matters I believe them to be true.
- I am an ___ officer, ___ a partner, ___ a member, ___ sole proprietor of _____, a _____, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.
 - I am informed and believe and on that ground allege that the statements made in the foregoing document are true.
 - The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on _____ (date), at _____ (city),
California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type of Print Name

Signature

Question #	Quantity	Yes	No	Base Score	Investigation* (Optional)	Total Score
II, B, 2	0 Contracts = █ pts. 1 Contract = █ pts. 2 Contracts = █ pts. >2 Contracts = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 3	N/A	█ pts.	█ pts.	█ pts.	N/A	█ pts.
II, B, 4	0 Contracts = █ pts. 1 Contract = █ pts. 2 Contracts = █ pts. >2 Contracts = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 5	0 Contracts = █ pts. 1 Contract = █ pts. 2 Contracts = █ pts. >2 Contracts = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 6	N/A	█ pts.	█ pts.	█ pts.	N/A	█ pts.
II, B, 7	N/A	█ pts.	█ pts.	█ pts.	N/A	█ pts.
II, B, 8	0 Contracts = █ pts. 1 Contract = █ pts. 2 Contracts = █ pts. >2 Contracts = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 9	0 Claims = █ pts. 1-2 Claims = █ pts. > 2 Claims = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.

Question #	Quantity	Yes	No	Base Score	Investigation* (Optional)	Total Score
II, B, 10	0 Cites = █ pts. 1-2 Cites = █ pts. > 2 Cites = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 11	<50% = █ pts. 51-100% = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 12	<50% = █ pts. 51-100% = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
II, B, 13	1.0 - 1.24 = 0 pts. 0.8 - 1.0 = █ pts. < 0.8 = █ pts.	N/A	N/A	█ pts.	N/A	█ pts.
SPACE RESERVED FOR SCORING OF PROJECT-SPECIFIC QUESTIONS						█ pts.
Total Score (Disqualified if total less than █ points)						█

*The District has the discretion to conduct or not conduct additional reference interviews of at least two (2) of the project contacts listed in the Applicant’s response to Question No. 1 of Part B, of Section II of the Prequalification Questionnaire. These additional reference interviews are separate from and in addition to any interviews that the District may conduct of the project references furnished by the Applicant in response to Part D of Section II of the Prequalification Questionnaire. If additional reference interviews based on the Applicant’s responses to Question No. 1 of Part B of Section II are conducted for any Applicant, they will be conducted for all Applicants. Scoring of such additional reference interviews will be as follows: The Applicant’s ‘base score’ for Question No. 1 is based on the number of projects completed. Points will not to be added to the Applicant’s base score based on information provided in additional reference interviews. However, based on the information received from the interview, the interviewer will rate the Applicant’s performance on a scale of 1 to 10. For each such reference interview, if the interviewer’s rating is less than “5”, then the District will make deductions from the Applicant’s base score for Question No. 1 as follows:

<u>Rating</u> (for each interview)	<u>Points Deducted</u> (for each interview)
5	1
4	2
3	3
2	4
1	5

If the total number of point reductions received for both such reference interviews exceeds the Applicant's base score for Question No. 1, the Applicant's score for Question No. 1 will be "0"; no additional points will be deducted.

C. PROJECT-SPECIFIC PUBLIC WORKS EXPERIENCE

[SPACE RESERVED FOR ADDITIONAL SCORING]

D. REFERENCES

The District has the discretion to conduct or not conduct interviews of project references listed in Part D of Section II. If such additional interviews are conducted for any Applicant, they must be conducted of all such references and for all Applicants. Based on the information obtained from each interview, the Interviewer will rate for each interview the Applicant's performance on a scale of 1 to 10. If the Applicant receives a score of less than "5" on an interview, the Applicant will be automatically disqualified. The interviews are scored on a "pass/fail" basis. Scores are not added to other scores received on other Parts of the Prequalification Questionnaire. The scoring of the interviews of project references listed in Part D of Section II of the Prequalification Questionnaire, if conducted, are scored separately from the scoring of additional project references provided in the Applicant's response to Question No. 1 of Part B of Section II of the Prequalification Questionnaire, discussed above.

III. FINANCIAL INFORMATION

A. General Information

Part A of Section III is a non-scored portion of the Prequalification Questionnaire.

B. Minimum/Pass-Fail Financial Ability Requirements

The questions appearing under Part B of Section III of the Prequalification Questionnaire constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis. A “yes” answer to Question No. 1 or a “no” answer to either Question No. 2 or Question No. 3 in Part B of Section III shall result in automatic disqualification. There is no other or separate scoring of the Applicant’s responses to this Part B of Section III.

C. Statement of Financial Condition

Statements of Financial Condition or independent auditor’s reports are required in order to verify that the Applicant has met the minimum financial requirements for prequalification. The information provided in the Statements of Financial Condition or independent auditor’s reports is not being separately scored.