



**REQUEST FOR PREQUALIFICATION (RFQ)
OF GENERAL (PRIME) CONTRACTORS SEEKING
TO BID ON CONSTRUCTION PROJECTS**

- **GENERAL FACILITY CONSTRUCTION INCLUDING SEISMIC RENOVATION**
- **OSHPD FACILITY CONSTRUCTION INCLUDING SEISMIC RENOVATION**
- **JUSTICE AND/OR DETENTION CONSTRUCTION INCLUDING SEISMIC RENOVATION**

DUE January 30, 2018



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**ADVERTISEMENT OF REQUEST FOR PREQUALIFICATION
FOR GENERAL (PRIME) CONTRACTORS**

Submittal Deadline January 30, 2018

NOTICE IS HEREBY GIVEN that pursuant to Public Contract Code Section 20101 the County of Riverside (“County”) invites qualified General (Prime) Contractors to complete and submit a Prequalification Questionnaire and other required documents for the purpose of prequalifying, based on financial ability and public contracting experience. This prequalification process is a mandatory process for all B-Licensed General Contractors who intend to submit bids for Construction Projects to be issued by the County of Riverside for a period of one year (12 months) following issuance of Notice of Prequalification.

It is the County's intent to utilize General Contractors prequalified thru this solicitation process for construction projects ranging from \$175,000 to \$30,000,000. However, the County reserves the right to require a separate prequalification process for any project whenever the County makes a determination that a project requires certain higher level of resources and/or specialized experience and qualifications (“Specialized Projects”). A Contractor who is prequalified hereunder shall not be prequalified for these Specialized Projects unless that Contractor prequalifies under that separate prequalification process.

All Contractors bidding on construction projects of the County must be prequalified prior to submitting bids. The construction projects reflect three Prequalification Categories, and two Experience Levels within each Prequalification Category:

Categories for Contractor Prequalification:

- **General Facility Construction, including Seismic Renovation**
- **OSHPD Facility Construction, including Seismic Renovation**
- **Justice and/or Detention Construction including Seismic Renovation**

Contractors may select to be considered for prequalification in any one, or a combination of the above three (3) Prequalification Categories. Additionally, each Applicant shall select whether it seeks prequalification at one, or both of two Experience Level(s) within each Prequalification Category submitted by Contractor.

- **Level I** – Applicant is entitled to bid select construction projects between \$175,000 and \$ 4,999,999. [SC1]The Applicant's bid limit will be set for the term of service by the actual bid limit established at Notice of Prequalification[MV2]. Proof of Contractor's ability to meet minimum project bonding limits will be required during each project solicitation conducted for this Level of Prequalified Contractor. Failure of Contractor to meet the minimum specific project bonding limits will result in disqualification for the specific project solicitation.
- **Level II** – Applicant is entitled to bid select construction projects \$5,000,000 up to \$30,000,000. The Applicant's bid limit will be set for the term of service by the actual bid limit established at Notice of Prequalification. Proof of Contractor's ability to meet minimum project bonding limits will be required during each project solicitation conducted for this Level of Prequalified Contractor. Failure of Contractor to meet the minimum bonding limits will result in disqualification for the specific project solicitation.

Separate prequalification requirements for each of these Prequalification Categories and Experience Levels are included in this solicitation. **Any Licensed Contractor seeking to qualify for one or more of these Prequalification Categories or Levels shall file separate Prequalification Questionnaires and materials required herein for each combination of Prequalification Category and Experience Level for which the Applicant chooses to be considered.**

It is mandatory that all Licensed Contractors who intend to submit bids for the projects encompassed within this prequalification process must: (1) fully complete the Prequalification Questionnaire, (2) provide all materials requested herein, and (3) be approved by the County prior to submitting bids on future projects. No bid will be accepted from a

Contractor that has failed to comply with these requirements. Contractor must be prequalified, as demonstrated by the County's Notice of Prequalification, prior to the closing of bidding for any project. Failure to obtain prequalification by bid closing shall bar Contractor from the submission of its bid on that project.

Bid(s) received from any Contractor(s) not approved as prequalified will not be considered and will be listed as not responsive. Contractors who submit a complete prequalification package will be notified by electronic mail of their qualification status, such notice to be provided following completion of the County's evaluation of the information submitted by Contractor, unless additional information, interview or lead personnel, or an on-site evaluation is requested of the applicant.

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 County's Request for Prequalification, copies of which are/will be available commencing **December 19, 2017**, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at 3403 Tenth Street, Suite 400, Riverside, CA 92501 or on the County's Website at <http://www.rivcoeda.org/AboutEDA/ProposalsQuotations/tabid/467/Default.aspx>. Alternative formats available upon request to individuals with disabilities.

An OPTIONAL Prequalification Conference will be conducted on Wednesday, January 10, 2018, commencing promptly at 2:00 p.m. at 3403 Tenth Street, Suite 400, Riverside, CA 92501 to outline the requirements and to provide guidance on a successful application. If you require reasonable accommodation for this meeting, please contact Serena Chow at schow@rivco.org or (951)-955-6619 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 Instructions using the forms referenced therein or attached thereto. Prequalification Submittals must be hand-delivered or mailed by Applicants so that they are received by County at 3403 Tenth Street, Suite 400, Riverside, CA 92501 no later than 5:00 p.m., **January 30, 2018**, which date and time are subject to extension by Prequalification Addendum. The Applicant assumes full and sole responsibility for timely receipt of its completed Prequalification Submittal at the location noted above.

Interpretations, corrections, and changes by the County to the Prequalification Documents will be made by Prequalification Addenda. Interpretations, corrections, and changes to the Prequalification Documents made in any other manner shall not be relied upon by Applicants and will not be binding upon the County. It is the obligation of the Applicant to verify issuance of Notice by the County of a Prequalification Addenda by checking County's website at:

<http://www.rivcoeda.org/AboutEDA/ProposalsQuotations/tabid/467/Default.aspx>

County will seek to distribute such Notices to Applicants via email or addresses as provided by Applicant. 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 deadline for receipt of the Prequalification Submittal set forth in the Prequalification Schedule.

Questions relating to this project should be directed to:
Serena Chow, Administrative Services Manager II
E-mail: schow@rivco.org Telephone: (951) 955-6619; Fax: (951) 955-4890

INSTRUCTIONS TO
APPLICANTS FOR PREQUALIFICATION

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ARTICLE 1
GENERAL PROVISIONS

1.1 Definitions. Capitalized terms used in these Instructions to Applicants (“Instructions”) and its attachments shall have the meanings given to them in these Instructions or its attachments.

1.2 Purpose. The purpose of the prequalification process is to prequalify prospective bidders (“Bidder(s)”) to submit “Bid(s)” for the “Award” by the County of Riverside (“County”) of proposed public works construction contracts (“Construction Contracts”) for Projects that may be issued for bid by the County within one year (12 months) of Issuance of Notice of Prequalification. Such Projects may include the following program use: General Facility Construction including Seismic Renovation, OSHPD Facility Construction including Seismic Renovation; and Justice and/or Detention Construction including Seismic Renovation.

1.3 Authority. This prequalification of bidders is being conducted by County under the authority of Public Contract Code Section 20101. This authority is in addition to, and shall not be construed as a limitation upon, any other authority or right of County that may exist under applicable laws to conduct this prequalification or to separately determine the responsibility or qualifications of any Bidder for any future contract within the Prequalification Categories.

1.4 Project. Subject to the County’s reserved rights under Section 1.12, below, Prequalified Bidders will be invited to submit Bids for Award of a Construction Contract(s) for Projects as described above in Article 1.2, issued for bid by the County within one year (12 months) of Issuance of Notice of Prequalification

1.5 County’s Budget. The County’s estimated target budget for the each Project will be published as part of the Notice Inviting Bids for the specific project. The foregoing statement of the County’s Budget does not constitute a promise or representation that County will Award a Construction Contract for the Project to a Bidder submitting a Bid equal to or less than the amount of the County’s Budget.

1.6 Basis for Prequalification. An Applicant, as defined in Section 1.8, below, will be determined by County to be prequalified or not prequalified on the basis of the information it provides in its written submittal provided pursuant to these Instructions, concerning the Applicant’s financial ability and experience in performing public works. In the case of an Applicant that is a Project Joint Venture, as defined in Paragraph 4.4.7, below, the Applicant will be prequalified or not prequalified based on the information provided by Applicant in its Prequalification Submittal concerning the financial ability of the Principal Managing Partner as that term is defined in Paragraph 4.4.7 below, and experience in performing public works of the Constituent Members

1.7 Deadline. An Applicant wishing to be considered for prequalification must submit its Prequalification Submittal to County on or prior to 5:00 p.m. **January 30, 2018**. Such deadline is subject to extension by County by Prequalification Addendum.

1.8 Applicant. The term “Applicant” means an individual, corporation, partnership or Project Joint Venture (as defined in Paragraph 4.4.7, below) submitting a Prequalification Submittal.

1.9 Applicant Constituent Members. The term “Applicant Constituent Member” means an individual, corporation or partnership that shares directly in the profits, losses, and liabilities of an Applicant. For example, and without limitation to the foregoing, if the Applicant is a partnership comprised of a partner who is an individual and a partner that is a corporation, the individual and the corporation are each an Applicant Constituent Member.

1.10 No Substitutions. No changes in or additions to the Applicant Constituent Members of an Applicant shall be permitted after the deadline for submission of Prequalification Submittals, except with the prior written authorization of the County, which authorization may be granted or withheld in the County’s sole and absolute discretion.

1.11 Interested Parties. There is no limitation on any individual, partnership, corporation or Project Joint Venture (as defined in Paragraph 4.4.7, below) participating as an Applicant, or on any individual, partnership or corporation participating as an Applicant Constituent Member, in more than one Prequalification Submittal. However, no Prequalified Bidder shall be allowed to submit more than one Bid for any one specific Project issued by the County or be "interested in" a Bid submitted by any other Prequalified Bidder for the Project. "Interested in", as those words are used in this Section 1.11, means that a Prequalified Bidder or an Applicant Constituent Member of a Prequalified Bidder who has a managerial or financial interest in another Prequalified Bidder.

1.12 Reserved Rights. County reserves the right to conduct further prequalification of Bidders for the Project, conduct open bidding (i.e., bidding by general public notice and without any requirement for prequalification) or to withdraw the Project from prequalification, bidding, or Award with or without the resetting of the Project for further prequalification, bidding, or Award in the future.

1.13 No Warranty by County. Applicants are solely responsible to satisfy themselves as to the suitability of any information provided by the County that is in the nature of estimates of costs, statements of needs or requirements, projections, budgets, or other information describing the proposed contract or project contemplated by this prequalification, and nothing stated in these Instructions or its attachments shall be construed as implying the creation or existence of any warranty, express or implied, on the part of the County with respect to the accuracy, sufficiency or completeness of such information.

1.14 No License. A determination by the County prequalifying an Applicant shall not be construed as a license to do business for or within the County.

1.15 Debarment, Non-Responsibility. A determination by County that an Applicant is not prequalified does not, unless otherwise expressly stated by County at the time of issuance of its prequalification determination, constitute a finding or determination of debarment or that the Applicant is not a responsible bidder as defined in Public Contract Code Section 1103. A determination by the County that an Applicant is prequalified shall not be interpreted as precluding the County, before, at the time of or after receiving a Bid from such Applicant for the Project, from: (1) imposing new or additional responsibility requirements or qualification conditions upon all Bidders, including, without limitation, Prequalified Bidders, as part of the bidding process for the Project; (2) making a determination that a Prequalified Bidder lacks the quality, fitness, capacity or experience to satisfactorily perform the Project; or (3) requiring prequalification or post-bid qualification of any Subcontractor.

1.16 Objections by Applicant. Any objection by an Applicant to the procedures or processes set forth in the Prequalification Documents must be submitted to the County, in writing, not later than the seventh (7th) calendar day prior to submission by the Applicant of its Prequalification Submittal. 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, including, without limitation, the right to submit such objection as grounds for an appeal or protest pursuant to Article 5, below.

1.17 Calculation of Time Periods. If these Instructions or its attachments ask the Applicant to provide information or respond to a question concerning events occurring within a stated time period (such as, "within the past 5 years"), it shall be deemed to mean the period of time that precedes the date that the Applicant first submits its Prequalification Submittal to the County; provided, however, that if a question asks for information pertaining to a stated number of prior full calendar (or fiscal) years, it shall mean the stated number of years immediately preceding the calendar or fiscal year in which the Prequalification Submittal is submitted by Applicant. If these Instructions or its attachments ask, by exact words or in substance, that the Applicant provide information concerning conditions or circumstances as they exist currently, it shall be deemed to refer to the conditions or circumstances as they exist on the date that the Applicant submits its Prequalification Submittal.

ARTICLE 2
APPLICANT REPRESENTATIONS

Each Applicant and Applicant Constituent Member who signs and submits 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 requirements of the Prequalification Documents.

2.2 Due Authorization. Each person or entity signing a verification of the Applicant's Prequalification Questionnaire is authorized to do so and any such signer that is a corporation is authorized to do business in, and is in good standing under the laws of, the State of California.

2.3 Required License(s). The Applicant has been issued and currently holds the following license(s) issued by the Contractor's State License Board for the State of California that is (are) active and in good standing ("Required License(s)"). As listed herein for the following Prequalification Categories:

- **General Facility Construction, including Seismic Renovation:**
– "B" General Building Contractor License
- **OSHPD Facility Construction, including Seismic Renovation:**
– "B" General Building Contractor License
- **Justice and/or Detention Construction including Seismic Renovation:**
– "B" General Building Contractor License

The above listed licenses are mandatory for each Prequalification Category and each Experience Level listed therein.

2.4 Financial Condition. There has been no significant or material change in the financial condition of Applicant, or any other person or entity who has submitted a Statement of Financial Condition or independent accountant's report to aid in Applicant's prequalification, since the effective date of such Statement of Financial Condition or independent accountant's report.

2.5 Labor Compliance. The Applicant will, if awarded the Construction Contract for a Project, comply with all of the applicable provisions of the California Labor Code Sections 1770 et seq., 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.

2.5.1 County public works projects are subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR) in accordance with Labor Code Section 1771.4(a)(1). As part of this program, contractors and subcontractors on public works projects are required to be registered with DIR in accordance with Labor Code Section 1725.5. Unregistered contractors are not qualified to bid on, be listed in a bid proposal, listed as a subcontractor, or engage in the performance of any Public Works Contract, all as more particularly described in Labor Code Section 1771.1(a).

ARTICLE 3
PREQUALIFICATION SCHEDULE

3.1 Prequalification Schedule.

The following is the anticipated schedule for the prequalification process (“Prequalification Schedule”):

3.1.1 Advertisement of Request for Prequalification	December 19, 2017
3.1.2 Optional Prequalification Conference	January 10, 2018
3.1.3 Deadline for Requests for Clarification	January 18, 2018
3.1.4 Final Date for County to Issue Clarifications	January 25, 2017
3.1.5 Prequalification Submittals Due	January 30, 2018
3.1.6 Project Reference Interviews (if conducted)	To be determined
3.1.7 Notice of Prequalification Selection	To be determined

3.2 Schedule Changes. The County 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. Unless otherwise expressly qualified in these Instructions or its attachments, references in these Instructions or its attachments to the Prequalification Schedule, or to dates in the Prequalification Schedule, shall mean the schedule and dates set forth in Section 3.1, above, as adjusted by any changes thereto made pursuant to a Prequalification Addendum.

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 at the location(s) stated in the Advertisement of Request for Prequalification or from the County’s Website at: <http://www.rivcoeda.org/AboutEDA/ProposalsQuotations/tabid/467/Default.aspx>

4.2 Prequalification Questionnaire. Applicants will be evaluated for prequalification based on the responses that they give to the Prequalification Questionnaire and any additional information obtained by County in the manner permitted by the Prequalification Documents, including, without limitation, interviews by County of Project References provided by Applicant (if conducted). All responses to questions in the Prequalification Questionnaire must be made on the form of Prequalification Questionnaire attached hereto as Attachment No.4 for each Prequalification Category the Contractor submits for, or where there is insufficient space in the Prequalification Questionnaire to provide a complete response, on separate sheets signed by the individual executing the verification on behalf of Applicant. If more than one signed verification is required, such separate sheets need only be signed by one signer of the verification signing on behalf of the Applicant. Failure to provide available information that is required by the Prequalification Documents shall be grounds for disqualification. Failure to provide information requested in response to a Question contained in the Prequalification Questionnaire that does not constitute a “pass/fail” or scored Question (i.e., a Question that seeks background or contact information only) shall be accompanied by an explanation of the reason for the failure to respond and any failure to respond that is found by the County to be without substantial justification shall constitute a grounds for disqualification. Unless otherwise requested elsewhere in the Prequalification Documents, 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. Applicant shall complete **one (1) original marked "Original" and two (2) copies** for each of the Prequalification Categories for which it seeks consideration: a) General Facility Construction, including Seismic Renovation, b) OSHPD Construction, including Seismic Renovation; or c) Justice and/or Detention Construction, including Seismic Renovation. Within each Prequalification Category, the Contractor shall also select to submit for consideration under one or both Experience Levels:

a) 175,000 – \$4,999,999 or

b) \$5,000,000 to \$30,000,000.

If an Applicant seeks to be considered for both Experience Levels within a Prequalification Category, then a complete Prequalification submittal is required to be submitted by Applicant for each Level of the Prequalification Category,

Each Prequalification Package shall include:

4.3.1 A completed **Prequalification Questionnaire** in the form attached hereto as **Attachment No. 4**;

4.3.2 A completed **Verification** in the form attached hereto as **Attachment No.1**, signed in the manner required by these Instructions, on behalf of each of the following: (1) if the Applicant is an individual or a corporation, by the Applicant; or (2) if the Applicant is a partnership by the Applicant and by each of its Applicant Constituent Members;

4.3.3 Completed and signed **Release(s) of Information** in the form attached hereto as **Attachment No.2**, signed in the manner required by these Instructions, on behalf of each of the following: (1) if the Applicant is an individual or a corporation, by the Applicant; or (2) if the Applicant is a partnership or Project Joint Venture, by its Managing Partner;

4.3.4 A completed **Statement of Financial Condition** complying with the requirements below in Section 4.4 and a **signed Certificate of Accountant**, on the letterhead of Applicant's independent Accountant attesting to the fact that the Report complies with the requirements of Section 4.4 below and is found to be a correct representation of the management of the Applicant.

4.3.5 Surety Statement: Each Applicant is required to submit with its Prequalification Submittal a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) that is authorized to issue bonds in the State of California stating that the Applicant's capacity to obtain a performance bond and payment bond is sufficient at the time of execution of such statement for Applicant to enter into a Construction Contract for the minimum bonding capacity stipulated by the RFQ for the specific Prequalification Category and Experience Level for which the Applicant is submitting for consideration, and for such surety to issue a performance bond and payment bond for the full amount designated therein. The minimum threshold capacity for performance bond and payment bond is stipulated in the Questionnaire for each Prequalification Category and Experience Level for which the Contractor seeks to be considered. The submitted notarized statement must be from the surety company, not an agent or broker. Nothing stated in the Prequalification Documents shall be construed as limiting the County's right to require that an additional notarized statement from a surety be submitted by Applicant at the time of submission of its Bid that is based upon the full amount of such Bid or that a performance bond and payment bond be submitted by Applicant as part of its Bid in the full amount of its Bid, even if its Bid is more than the amount of the County's Budget.

4.3.6 General Liability Insurance Coverage:

4.3.6 a Experience Level I Prequalification

Each Applicant shall attach a copy of a current certificate of General Liability Insurance coverage of at least \$1,000,000 per occurrence / \$2,000,000 aggregate with a California-admitted insurance company and Workers

Compensation Coverage to cover all activities of Applicant. The certificate of General Liability Insurance must be able to name "County of Riverside" as Additional Insured.

4.3.6 b Experience Level II Prequalification

Each Applicant shall attach a copy of a current certificate of General Liability Insurance coverage of at least \$2,000,000 per occurrence / \$4,000,000 aggregate with a California-admitted insurance company and Workers Compensation Coverage to cover all activities of Applicant. The certificate of General Liability Insurance must be able to name "County of Riverside" as Additional Insured.

4.3.7 Bank Letter: Each Applicant shall attach an original, signed letter(s) from Applicant's bank(s) on the bank's letterhead stationary confirming Applicant's relationship, credit, and banking history including the type of account(s) Applicant has, name of the branch manager, and his or her contact information. If Proposer's line of credit is held at an alternate financial institution, provide an original, signed letter from institution, on the institution's letterhead, verifying the availability of a line of credit.

4.3.8 Current Registration with California Department of Industrial Relations (DIR): Each Applicant shall attach a copy of the registration with California Department of Industrial Relations. The listed Applicant name on the license held for the Prequalification Submittal must match the DIR registrant name.

4.3.9 Additional Information The County reserves the right, but shall not have the obligation, to request additional information from an Applicant that may be necessary to complete the County's evaluation of the financial ability of any person or entity who has submitted a Statement of Financial Condition or independent accountant's report relied upon by the Applicant. Applicant is responsible to provide such information, if requested, within five (5) calendar days of request by the County.

4.4 Financial Information.

4.4.1 Statement of Financial Condition. Except as otherwise provided in Paragraph 4.4.5 or Paragraph 4.4.6, below, each Applicant is required to submit as part of its Prequalification Submittal a Statement of Financial Condition in compliance with Articles 4.4.2, 4.4.3 and 4.4.4 below.

4.4.2 Time Period. The information stated in a Statement of Financial Condition shall be current as of the end of the last full fiscal year ending more than sixty (60) Days prior to the deadline in the Prequalification Schedule for submission of Prequalification Submittals, without consideration of any adjustments to such deadline that may be made pursuant to Prequalification Addendum.

4.4.3 Audit or Review. The information reflected in a Statement of Financial Condition must be audited or reviewed in accordance with generally accepted accounting principles by an independent, certified public accountant who: (1) is registered and licensed under the laws of any of the United States; (2) is not employed by the Applicant or any of its Applicant Constituent Members; (3) does not have a direct or indirect interest, financial or otherwise, in the business of the Applicant or any of its Applicant Constituent Members; and (4) does not receive more than fifty percent (50%) of his/her/its total annual accounting fees from the Applicant or its Applicant Constituent Members. A certification of "compiled" financial information is not acceptable.

4.4.4 Certificate of Accountant. Except as otherwise permitted by Paragraph 4.4.5 or 4.4.6, below, each completed Statement of Financial Condition shall, when submitted to the County as part of the Applicant's Prequalification Submittal, be accompanied by a duly executed Certificate of Accountant, on the letterhead of the Applicant's Accountant evidencing that the financial information reflected in the Statement of Financial Condition has been audited or reviewed by the Accountant and found to be a correct representation of the management of the proposing Contractor

4.4.5 Small Business Exception. An Applicant is exempt from the requirement to submit a Statement of Financial Condition under Public Contract Code Section 20101(e), if that Applicant is a small business pursuant to

Government Code Section 14837(d)(1) seeking to bid projects that are “no more than 25 per cent of the qualifying amount provided in Section 14837(d)(1).”

4.4.6 Exceptions. No Statement of Financial Condition, Certificate or Accountant or independent accountant’s report shall be acceptable which contains an opinion stating, in substance or effect, that the financial information of the person or entity audited, reviewed or reported does not present a fair and accurate statement of that persons or entity’s financial position or that an opinion cannot be expressed because of restrictions placed on the audit, review or report, whether such restrictions are placed by the Applicant or otherwise. 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 the financial condition of the person or entity whose financial condition is the subject of the audit, review or independent accountant’s report. If the Applicant fails to complete all of the financial information requested or if exception (whether or not explained) is taken by the certified public accountant to any information provided, then the County reserves the right, in its sole and absolute discretion, to reject the entire Statement of Financial Condition or independent accountant’s report or exclude any affected portion of the Statement of Financial Condition or independent accountant’s report from consideration in determining whether the person or entity whose financial condition is under consideration meets the minimum requirements for prequalification.

4.4.7 Project Joint Ventures. The County recognizes that joint ventures formed for the purpose of bidding contracts may not have sufficient assets to satisfy the requirements for prequalification, even though the managing joint venture partner has such sufficient assets. Accordingly, if the Applicant is a Project Joint Venture, as defined in this Paragraph 4.4.7, then it will be sufficient if the Managing Partner of the joint venture submits the financial information required by this Section 4.4. A “Project Joint Venture” is a joint venture formed solely for the purpose of performing the classification of contracts for the County that are described in these instructions. “Principal Managing Partner” means the joint venture partner of a Project Joint Venture who is primarily responsible for the day-to-day management of the business of the Project Joint Venture and whose financial condition is necessary to Applicant’s ability to prequalify for bidding the contracts within the Bidding Category(s) for which the Applicant seeks prequalification.

4.5 Evaluation Process. Each Applicant’s Prequalification Submittal for each combination of Qualification Category and Experience Level will be evaluated based on a uniform system of scoring. Without limitation to any other requirements set forth in the Prequalification Documents, in order to successfully prequalify an Applicant must:

4.5.1 Submit all of the documents and information comprising a complete Prequalification Submittal as required by Section 4.3, above and listed below;

4.5.2 Meet the pass-fail requirements set forth in Part II of the Prequalification Questionnaire and listed below:

.a Proposer has submitted a completed **Prequalification Questionnaire**

.b Proposer has submitted a completed **Verification Form** as required by Article 4.3.2 meeting minimum stated requirements

.c Proposer has submitted a completed **Release of Information Form** as required by Article 4.3.3 meeting minimum stated requirements

.d Proposer has submitted a completed **Statement of Financial Condition** as required by Article 4.3.4 meeting minimum stated requirements

.e Proposer has submitted a completed **Certificate of Accountant** as required by Article 4.3.4 meeting minimum stated requirements

.f Proposer has submitted a completed **Surety Statement** as required by Article 4.3.5 meeting minimum stated requirements

.g Proposer has submitted a completed **Proof of General Liability Insurance Coverage** as required by Article 4.3.6 meeting minimum stated requirements

.h Proposer has submitted a completed **Bank Letter** as required by Article 4.3.7 meeting minimum stated requirements

.i Proposer has submitted evidence of **Registration with the California Department of Labor Relations (DIR)** as defined by Article 4.3.8 meeting minimum stated requirements

.j Proposer has successfully responded to all **Essential Requirements** as defined in Part II of the Prequalification Questionnaire

.k Proposer has provided the required **Project Reference Forms** as defined in Part V.C of the Prequalification Questionnaire

4.5.3 At the conclusion of the Evaluation Process, Applicants with the top 4 to 6 combined score in each Qualification Category and Experience Level will be selected for the list of Pre-Qualified Prime Contractors for the scored questions and submitted project reference forms set forth in Part IV and V of the Prequalification Questionnaire and, if interviews of Project References are conducted, for the Project Reference interviews.

4.6 Reference Interviews. Without limitation to the County's rights under Section 4.8, below, County reserves the right, but assumes no obligation, to contact and interview any person or organization identified in Applicant's response to Part V, A of the Prequalification Questionnaire concerning the Applicant's past performance on its Project References. Interviews will be conducted in accordance with the rules for interviews set forth in Part V, C of the Prequalification Questionnaire following a pre-set list of questions set forth in Attachment No. 3 attached hereto. Applicant assumes sole responsibility for any inaccuracies, or lack of currency of, the information provided by the Applicant in its Project References. Incorrect or non-current contact information provided in response to a request for a Project Reference may, in the sole discretion of County, be treated as a failure by the Applicant to provide a complete response, resulting in either a reduction in Applicant's score or disqualification.

4.7 Additional Investigations. In addition to the County's contacting the Project References listed in Applicant's responses to Part V of the Prequalification Questionnaire, County 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 County 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 is received as a result of such investigations. In addition to the foregoing, the County 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 the person or entity whose financial information forms the basis for the Statement of Financial Condition or independent accountant's report submitted and relied upon by the Applicant in order to confirm the accuracy and completeness of the financial information provided. The Applicant must make provision for and is responsible to ensure full and prompt cooperation with such audits or reviews.

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

4.9 Unauthorized Communications. Unless requested to do so in writing by County or as otherwise permitted by these Instructions, Applicants and Applicant Constituent Members shall not communicate, either verbally or in writing, concerning any aspect of the prequalification process with: (1) any consultant or professional retained by the County for the purpose of providing the County advice or professional services in respect to the prequalification process or the design or construction of the Project; or (2) any employee or representative of the County.

4.10 Prequalification Conference. An optional Prequalification Conference will be conducted on the date therefor that is set forth in the Prequalification Schedule commencing promptly at 2:00 p.m. on January 10, 2018 at the following location: 3403 Tenth Street, Suite 400, Riverside, CA 92501 to outline the requirements and to provide guidance on a successful application. If you require reasonable accommodation for this meeting, please contact Serena Chow at schow@rivco.org or (951)-955-6619 at least three (3) business days prior to the Prequalification Conference.

4.11 Proceedings. Unless otherwise directed by the County in a Prequalification Addendum, all proceedings conducted for the purpose of or related to the prequalification of Applicants, other than the Prequalification Conference, shall be closed to the public.

4.12 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 ("Request(s) for Clarification") must be submitted, between the hours of 8 a.m. and 5 p.m. per the deadline in the Prequalification Schedule by hand delivery, mail, fax or e-mail to the following: Address: 3403 Tenth Street, Suite 400, Riverside CA 92501 Phone: (951) 955-6619 Fax: (951) 955-4890 E-Mail: SChow@rivco.org. 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 neither relieve the Applicant from its representations as set forth in Article 2, above, 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.

4.13 Prequalification Addenda. Interpretations, corrections, and changes by the County of the Prequalification Documents will be made by Prequalification Addenda. Interpretations, corrections, and changes of the Prequalification Documents made in any other manner shall not be relied upon by Applicants and will not be binding upon the County. Notice of issuance of a Prequalification Addendum issued before the deadline for initial submission of Prequalification Submittals set forth in Paragraph 3.1.5, above, 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 said deadline shall be given only to the Applicants who have submitted Prequalification Submittals in accordance with the requirements of the Prequalification Documents. It is the obligation of the Applicant to verify issuance of Notice by the County of a Prequalification addenda by checking County's website at Interpretations, corrections, and changes by the County of the Prequalification Documents will be made by Prequalification Addenda. Interpretations, corrections, and changes to the Prequalification Documents made in any other manner shall not be relied upon by Applicants and will not be binding upon the County. It is the obligation of the Applicant to verify issuance of Notice by the County of a Prequalification Addenda by checking County's website at:

<http://www.rivcoeda.org/AboutEDA/ProposalsQuotations/tabid/467/Default.aspx>

County will seek to distribute such Notices to Applicants via email or addresses as provided by Applicant. 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 deadline for receipt of the Prequalification Submittal set forth in the Prequalification Schedule.

4.14 Preparation, Copies. The portions of the Prequalification Submittal prepared or filled in by an Applicant must be either typed or completed in ink. Responses in pencil are unacceptable. For "Yes" or "No" answers, Applicants must indicate either "Yes" or "No" by putting a check mark or "X" mark in the box next to "Yes" or "No". If there is a requirement that the Applicant or any Applicant Constituent Member submit any additional documents, they shall be packaged as part of the Applicant's Prequalification Submittal. One (1) original marked "Original" and two (2) copies of the Prequalification Submittals shall be submitted.

4.15 Verification. Prequalification Questionnaires must be verified in the manner required by Paragraph 4.3.2, above, using the form of verification attached hereto as Attachment No. 1 by an individual with legal authority to bind the person or entity on whose behalf such individual is signing.

4.16 Submission. One (1) original(s) marked "original" and two (2) copy(ies) of the Prequalification Submittal shall be submitted. Prequalification Submittals shall be hand delivered to, or received by mail at, 3403 Tenth Street, Suite 400, Riverside, CA 92501, at any time Monday through Friday between the hours of 8 a.m. to 5 p.m., prior to the deadline for receipt of Prequalification Submittals set forth in the Prequalification Schedule. Prequalification Submittals that are submitted after the deadline specified in the Prequalification Schedule will not be considered and will be returned, unopened.

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.

4.17 Sealed Envelope. Each Prequalification Submittal, including the original(s) and each copy, shall at the time of delivery be enclosed in a single, sealed opaque envelope. Piecemeal submissions are not permitted. The envelope, as well as any outer envelope or packaging in which the envelope may have been placed by the Applicant or the carrier, shall be addressed and delivered as required by these Instructions and shall be clearly and conspicuously labeled with the Applicant's name and address and the words "CONFIDENTIAL RESPONSE TO REQUEST FOR PREQUALIFICATION OF GENERAL (PRIME) CONTRACTORS FOR 2018".

4.18 Supplemental Information. Without limitation to the County's rights under Section 4.22, below, unless requested by the County in a Prequalification Addendum or otherwise required by these Instructions, an Applicant shall not have the right to submit new or additional information to supplement its Prequalification Submittal after the deadline in the Prequalification Schedule for receipt of Prequalification Submittals.

4.19 Withdrawal, Resubmission. Prequalification Submittals may be withdrawn upon written notice to the County that is received by County 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 receipt of Prequalification Submittals set forth in the Prequalification Schedule.

4.20 Rejection, Cancellation, Revocation. Without limitation to any of the County's other rights under the Prequalification Documents or applicable laws, the County reserves the right, exercised in its sole and absolute 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 County determines is false or misleading; (2) reject all Prequalification Submittals; (3) withdraw and cancel its Request for Prequalification of Prospective Bidders; (4) cancel, revoke or limit the prequalification status or rating of any Prequalified Bidder based on subsequently-learned information indicating that the Prequalified Bidder's Prequalification Submittal contained false or misleading information; (5) cancel, revoke or limit the prequalification status, or rating of any Prequalified Bidder based on receipt of new information that the Prequalified Bidder is obligated to disclose in accordance with its continuing obligations under Section 4.22, 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; or (6) cancel or revoke the prequalification status of all Prequalified Bidders for any reason, without cause and for its convenience (with or without the issuance of a further Request for Prequalification of Prospective Bidders). Exercise by County of its rights under this Section, or of any other right of County under these Instructions or applicable laws to cancel, revoke or limit the prequalification status or rating of any Prequalified Bidder shall not, under any circumstance, give rise to any liability or obligation on the part of County nor shall it constitute grounds for any claim by an Applicant or Prequalified Bidder for recovery from County of any loss, damage, cost or expense.

4.21 New Information by Applicant. Applicant has the continuing obligation, commencing upon submission of its Prequalification Submittal and continuing until Award of a Construction Contract, to immediately notify the County, in writing, if it learns that any of the following have occurred: (1) any statement made in its Prequalification Submittal was false or misleading when made; (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 Prequalification Questionnaire; provided, however, that the obligation set forth in Clause (2) of this Section 4.21 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 Constituent Members; (4) the Applicant has undergone a change in ownership in which ownership of 50% or more of its stock or assets has changed; or (5) 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%). Additional information provided by Applicant shall be submitted under oath using the form of verification provided as part the Prequalification Documents.

4.22 Certification for Bidding. A Prequalified Bidder may be required by County, as a condition of submitting a Bid in the future as a result of this Prequalification, 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 Section 4.21, above.

4.23 Waiver of Irregularities. County reserves the right to waive minor or clerical irregularities, errors, or omissions in the prequalification process, in the information contained in any Prequalification Submittal or in regard to any Applicant's compliance with the prequalification process. The County's determinations with respect to waiving or not waiving any such irregularities, errors, or omissions shall, in the exercise of its sole and absolute discretion, be final, and binding upon Applicant.

4.24 Not Public Records. Except as otherwise provided by applicable laws, a Prequalification Submittal (including, but not limited to, any included financial information) is not a public record and is not open to public inspection. However, contents of a Prequalification Submittal may be disclosed to third parties for the purpose of verifying information or in the process of an appeal or determination of a protest. If applicable law provides that the names of contractors applying for prequalification status are public records subject to disclosure, and if applicable law does not otherwise require, only the first page of the Prequalification Questionnaire will be disclosed.

4.25 Applicable Laws. All Prequalification Submittals must be submitted, filed, made, and executed in accordance with applicable laws, whether or not such applicable laws are expressly referred to in or conflict with the requirements of the Prequalification Documents.

4.26 Costs and Expenses. Applicants shall bear, at their own expense and without reimbursement by the County, all costs, and expenses associated with their participation in the prequalification process or in connection with the preparation or submission of Bids for the Project.

4.27 Receipt of Notices. Notices by the County 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 Prequalification Conference, in its Prequalification Submittal, or at the Applicant's last known address. It is the obligation of the Applicant to verify issuance of Notice by the County of a Prequalification addenda by checking County's website. County will seek to distribute such Notices to Applicants via email or addresses as provided by Applicant. 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 deadline for receipt of the Prequalification Submittal set forth in the Prequalification Schedule.

4.28 Notice of Prequalification. The County will issue a notice ("Notice of Prequalification") to Applicants who have successfully prequalified. Formal issuance of a Notice of Prequalification is for the convenience of the Applicants and is not a condition to the validity of the County's determination that an Applicant is or is not prequalified.

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

4.30 Subsequent Responsibility Determination. A determination that an Applicant is prequalified does not constitute a waiver by the County of its right to make a subsequent determination that a Prequalified Bidder, or any Subcontractor to a Prequalified Bidder, is not a responsible bidder as defined in Public Contract Code Section 1103 to submit a Bid for Award of the Construction Contract for the Project.

4.31 Debriefing. At the County's option, exercised in its sole and absolute discretion after the issuance of the Notice of Prequalification, the County 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 prequalification debriefings, summaries of the overall evaluation of an Applicant's Prequalification Submittal 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 **APPEALS AND PROTESTS**

5.1 Appeals.

5.1.1 Appeal of Prequalification Determination. Any Applicant may dispute the County's determination denying prequalification status to the Applicant by filing an appeal provided that each and all of the following are complied with:

.1 The appeal shall be in writing and include a request for hearing of the appeal.

.2 The appeal shall be based on a dispute relating to the prequalification rating of the Applicant filing the appeal; appeals are not permitted if the reason for disqualification is the failure by Applicant to submit a complete Prequalification Submittal.

.3 The appeal shall be filed with and received by the County at the following address: 3403 Tenth Street, Suite 400, Riverside, CA 92501, not more than five (5) calendar days following the date of issuance of the County's Notice of Prequalification or within five (5) working days after the debriefing meeting. Failure to timely file an appeal shall constitute grounds for the County to deny the appeal without further consideration of the grounds stated therein and shall constitute a waiver by Applicant of any and all rights to challenge the prequalification decision of the County, whether by administrative process, judicial process or any other legal process or proceeding.

5.1.2 Notification of Grounds. If the Applicant's written notice of appeal requests that County give a written explanation of the basis for disqualification, then County shall provide the Applicant with a written statement of the basis for Applicant's disqualification and any supporting evidence that has been received from others or adduced as a result of an investigation by the Applicant.

5.1.3 Hearing. An Applicant that has properly filed an appeal in accordance with the requirements of Paragraph 5.1.1, above, shall be given notice and opportunity to appear before a committee ("Appeal Committee"), consisting of individuals appointed by the County Economic Development Agency, to rebut any evidence used as a basis for disqualification and to present evidence as to why the Applicant should be prequalified. Hearing before the Appeal Committee shall be an informal process. If the Applicant chooses not to avail itself of this process, then the County's determination that the Applicant is not prequalified may be adopted by the County without further proceedings.

5.1.4 Final Decision. The Appeal Committee shall provide a written decision to the Applicant filing the appeal, either granting or denying the appeal. A written decision of the Appeal Committee on an appeal shall be final, unless overturned by the Board of Supervisors.

5.2 Protests. Any protest with respect to the conduct of the prequalification process, not involving an appeal by an Applicant pursuant to Section 5.1, above, of a determination that such Applicant is not prequalified, must be filed within ten (10) calendar days following the date of issuance of the County's Notice of Prequalification. Such protest shall state the grounds for the protest and any evidence and legal authority for such protest. Without limitation to the provisions of Section 1.16, above, failure to do so shall result in Applicant waiving all rights and grounds for protest of the County's execution, handling, or implementation of the prequalification process. Determination by County of protests that are properly and timely noticed in accordance with this Section 5.2 shall be made by County based on the information submitted as part of the protest and without the necessity of a hearing.

5.3 Bid Closing. The date for submission of Bids for a Project subject to this Prequalification shall not be delayed or postponed to allow for completion of the processing of an appeal or protest.

ATTACHMENT NO. 1

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 as to those matters, I believe them to be true.

- I am ___ an officer ___ a partner ___ a member ___ the 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 or Print Name

Signature

ATTACHMENT NO. 2

AUTHORIZATION TO RELEASE INFORMATION

The undersigned hereby authorizes and consents to the County of Riverside ("County") 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 or for any other purpose related to the evaluation of Applicant's qualifications. To ensure the effectiveness of the prequalification process, such individuals must be able to speak frankly and openly. Accordingly, the undersigned 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 County in connection with the processing, investigation and evaluation by County of the Applicant's Prequalification Submittal.

Company

Name

Signature

Title

Date

ATTACHMENT NO. 3

STANDARDIZED PROJECT REFERENCE INTERVIEW QUESTIONS

The following questions will be used to conduct interviews concerning past performance by Applicant on a project listed by Applicant as a Project Reference in its responses to Part V, C of the Prequalification Questionnaire. The County will conduct the interviews in accordance with the rules set forth in Part V, A of the Prequalification Questionnaire. No action on the Applicant's part is necessary. These questions are included in the package for information purposes only.

First, please give a brief description of the project listed as one of the Applicant's Project References.

1. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
2. On a scale of 1-10, with 10 being the best, did the contractor provide qualified supervision?
3. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
5. Was the project completed on time? (10 points if the answer is "Yes").
Or, if the answer is "no," on a scale of 1-9, with 9 representing the least responsibility, to what extent was the contractor responsible for the delay in completion?
6. On a scale of 1-10, with 10 being the best, rate how the contractor performed in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
7. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were a low number of claims, despite the complexity of the project, and how easy it was to resolve them. (Max. 10 points)
8. On a scale of 1-10, with 10 being the best, how would you rate the quality of the contractor's performance overall? (Max. 10 points)