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## REVISION 1

# PREQUALIFICATION APPLICATION FOR GENERAL CONTRACTORS SEEKING TO BID ON

# ANDERSON DAM TUNNEL PROJECT

Project No. 91864005

**Deadline to Submit Prequalification Application:**

**September 25, 2020  
at 2:00 p.m.**

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**APPENDIX A**

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**APPENDIX B**

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(Public Contract Code §§ 2600–2603)

**APPENDIX D**

Calculating a Bidder's Best Value Score

**1. NOTICE OF REQUEST FOR PREQUALIFICATION****A. Notice**

1. Notice is hereby given that the Santa Clara Valley Water District (Valley Water) has determined that all General Contractors wishing to bid on the Anderson Dam Tunnel Project (Project or ADTP) must be prequalified prior to submitting a bid on the Project. Bids will not be accepted from any contractor that has failed to comply with the requirements stated in this Prequalification Application. Nevertheless, if fewer than 4 firms are prequalified, Valley Water intends to solicit bids without requiring prequalification. Valley Water reserves the right to solicit bids for the Project without requiring prequalification or to not proceed with awarding a contract for this Project. A current Class A California Contractor's License is required to bid on the Project.

**B. Project Description**

1. The Project is located near the junction of Cochrane Road and Coyote Road in Santa Clara County, California, 2.5 miles northeast of downtown Morgan Hill, California. Anderson Dam is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and California Department of Water Resources, Division of Safety of Dams (DSOD) and must meet their dam safety design standards. FERC has jurisdiction over Anderson Dam safety measures and operations due to licensing a small hydroelectric facility on this reservoir.
  - a. Pursuant to FERC's authority, for public health and safety reasons, on February 20, 2020, Valley Water received an Order from FERC to immediately implement the following interim risk reduction measures:
    - (1) immediately lower and maintain the reservoir operating level no higher than elevation 565 feet;
    - (2) lower the reservoir to elevation 488 feet (deadpool) beginning no later than October 1, 2020, as safely and quickly as possible and maintain deadpool to the extent feasible;
    - (3) immediately design and construct the low-level outlet tunnel (Anderson Dam Tunnel) to more reliably and quickly drawdown the reservoir after an earthquake and/or to better maintain deadpool during significant precipitation; and
    - (4) implement the dam safety directives, including design and construction of the proposed low-level outlet, while securing alternative water supplies and working with FERC

staff, and federal, state, and local resource agencies to minimize environmental effects.

- b. Pursuant to FERC's Order, Valley Water immediately restricted the reservoir operating level to elevation 565 feet; began defining the interim risk reduction measures; and initiated emergency consultation processes regarding adverse environmental impacts of these interim risk reduction measures with the regulatory agencies, as appropriate.
2. The Project is a subset of proposed interim risk reduction measures as set forth in the FERC Order during the interim time period prior to construction and operation of the Anderson Dam Seismic Retrofit Project (ADSRP). The prequalification criteria and this questionnaire only apply to performing the Anderson Dam Tunnel Improvements portion of the ADTP.
3. The ADTP consists of the following:
  - a. *Anderson Dam Tunnel Improvements.* The improvements are a diversion system composed of a tunnel, connected to an outlet structure, that is necessary to better and more consistently stay within the FERC-directed reservoir elevation of 488 feet, as the current outlet, with only a 500 cubic feet per second (cfs) capacity, is undersized for the amount of inflows Anderson Reservoir receives. Additionally, in the event of an earthquake, the existing outlet could cease to function, causing the reservoir to rise to unsafe levels and potentially resulting in an uncontrolled release and/or a catastrophic dam failure. The Anderson Dam Tunnel would be capable of efficiently and safely passing larger inflows (up to 2,000 cfs capacity), would be seismically robust, and would be expected to continue to function after an earthquake.
  - b. *Creek Channel and Bank Erosion Control Modifications.* Modifications required to minimize erosion to accommodate drawdown and water management operations downstream of Anderson Dam.
  - c. *Bank and Rim Stability Improvements.* Geotechnical investigations will be carried out and monitoring devices will be installed in the areas of known landslides along Anderson Reservoir rim by Valley Water to address potential impacts of reservoir drawdown. If additional measures are determined necessary, the Project would include the installation of necessary structural improvements to protect against potential landslides.
  - d. *Existing Intake Structure Modifications.* Geotechnical investigations will be carried out and monitoring devices will be installed by Valley Water near the intake structure to address potential geotechnical impacts of dewatering on the existing outlet structure. If additional measures are determined necessary, the

Project would include the installation of necessary structural improvements to reinforce the existing Anderson Dam intake structure.

4. Valley Water estimates the construction cost for this Project to be \$168.45 million. It is expected that the work will be performed during an approximate 36-month period from March 2021 to February 2024.

### C. Application Submission

1. The fully completed Prequalification Application must be submitted in a sealed envelope marked as indicated below and received by Valley Water no later than **2:00 p.m. on September 25, 2020**. It is the sole responsibility of the contractor to ensure that their Prequalification Application is received no later than the stated deadline. Any Prequalification Application package received after 2:00 p.m. will not be considered. Late submittals will be returned unopened. All Prequalification Applications submitted will be opened only after the deadline for submission.
2. Only one Prequalification Application may be submitted by an applicant. If more than one application is submitted by an applicant, all applications submitted by that applicant will be returned unopened.
3. Contractors must submit Prequalification Applications by third party carrier such as: FEDEX, UPS, DHL, CA Overnight, Golden State Overnight and must address the submittal as stated herein.

**NO SUBMITTALS WILL BE ACCEPTED BY IN-PERSON DELIVERY OR USPS (U.S. MAIL).**

The envelope must be marked as follows:

Santa Clara Valley Water District  
Attention: Ken Wong  
**Prequalification Application, Anderson Dam Tunnel Project  
(CONFIDENTIAL)**  
5905 Winfield Boulevard  
San Jose, CA 95123-2428

**Note:** U.S. Mail does not deliver to 5905 Winfield Boulevard

4. The envelope must contain 1 original hard copy of the Prequalification Application and 1 USB Flash Drive containing the Prequalification Application, with all documents in searchable PDF format and Microsoft Word format. Original, signed documents listed in Section 5.G. Required Attachments and Enclosures, paragraphs 3.a.-3.c., are not required to be submitted in Microsoft Word format.

5. Prequalification Application submittals that do **not** comply with this paragraph will be deemed non-responsive.

### D. Prequalification Conference

1. A Prequalification Conference will be conducted by Valley Water on **August 27, 2020**. The conference will convene at 10:00 am. For all contractors submitting a Prequalification Application, attendance at the Prequalification Conference is **OPTIONAL**. The Prequalification Conference was not recorded. A link to the PowerPoint presentation presented at the Conference is available on Valley Water's website: <https://www.valleywater.org/construction>.
2. The objectives of the conference are to familiarize contractors with the requirements for this Prequalification process and the Project. No site visits will be conducted during the Prequalification process.
3. Due to the County of Santa Clara Public Health Officer's Order relating to the COVID-19 pandemic, Valley Water's offices remain closed to the public until further notice. To ensure the safety of the public and Valley Water employees, attending the Prequalification Conference will be available only by video teleconference, live-stream.
4. Persons interested in attending the Prequalification Conference must submit a RSVP for the Optional Prequalification Conference through the Valley Water website: <https://www.valleywater.org/construction>, and provide the company name, contact name, email address and phone number of each person who will be attending the Prequalification Conference.
5. The Prequalification Conference will convene at 10:00 a.m. (by Valley Water time), by video teleconference, live-stream via Zoom as detailed below:

**Join Zoom Meeting.** Any person may attend the live-stream Prequalification Conference by accessing the link below, or joining via phone by calling the toll-free number listed below:

Join Zoom Meeting

<https://valleywater.zoom.us/j/3796054075>

Meeting ID: 379 605 4075

One tap mobile

+16699009128,,3796054075# US (San Jose)  
+13462487799,,3796054075# US (Houston)



Dial by your location

+1 669 900 9128 US (San Jose)  
+1 346 248 7799 US (Houston)  
+1 253 215 8782 US (Tacoma)  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Germantown)  
+1 312 626 6799 US (Chicago)

Meeting ID: 379 605 4075

Find your local number: <https://valleywater.zoom.us/j/91011111111>

### E. Documents and Communications

1. To receive a link to the Prequalification Application for General Contractors Seeking to Bid on the Anderson Dam Tunnel Project, interested parties must submit a Request for Prequalification Application through the Valley Water website: <https://www.valleywater.org/construction>. Upon Valley Water's receipt of the request, Valley Water will email a pdf copy of the Prequalification Application to the email address provided. Any party who submitted a Request for Prequalification Application will be automatically included in the Prequalification Participant List.
2. Information on the Project configuration is available in electronic (pdf) format only and by file transfer protocol (FTP) site. The documents contain confidential information and will be made available for review only after the Contractor completes and executes the Request for Information with Non-Disclosure Agreement, which can be accessed at the website indicated above.
3. All communications related to this Prequalification process, including addenda, will only be issued to the e-mail address provided on the Prequalification Participant List. All addenda will also be posted on the Valley Water's website.
4. Valley Water will notify each contractor that submits a Prequalification Application of its proposed prequalification ratings. A list of proposed prequalification ratings for those contractors determined prequalified will be posted to the Valley Water website. Valley Water reserves the right to not make prequalification determination(s) as to any or all contractors submitting a completed Prequalification Application.

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## 2. SUMMARY OF WORK

### A. Purpose

1. The objective of the Anderson Dam Tunnel Project (Project) is to construct improvements that will minimize risks associated with exceeding the restricted reservoir level and undersized outlet structure by installing a new, low-level outlet tunnel, as well as, lessening potential adverse impacts on reservoir and dam bank stability, and the existing outlet.

### B. Geological Conditions

1. Complex geologic conditions are present in the right abutment area where the tunnel will be constructed. Due to the proximity to the Coyote Creek Fault, the Range Front Fault and Calaveras Fault Zone, the rocks in the project area have been repeatedly exposed to strong shaking, shearing and other seismic forces. Bedrock in the right abutment area consists mostly of Franciscan Complex rocks locally overlain by Santa Clara Formation, colluvium, and alluvium.
2. The Santa Clara Formation deposits mostly consist of fine to medium grained semi-consolidated sandstone, conglomerates, and discontinuous clay-rich strata. Franciscan Complex lithologies at the site include serpentinite, greywacke, greenstone (including basalt and metavolcanics), and mélangé. The mélangé is a pervasively sheared clayey shale matrix with variably sized inclusions of graywacke, serpentinite, greenstone, and minor chert ranging from gravel-size to several feet that vary in strength from extremely weak to very strong. Greenstone and greywacke rocks are extremely weak to very strong.
3. The serpentinite varies from very weak clayey zones that include moderately strong to extremely strong blocks to strong zones. Naturally Occurring Asbestos (NOA) is present in the bedrock with the highest percentages by weight occurring in the serpentinite.

### C. Scope of Work

Scope of Work to be completed includes, but is not limited to, the following major components:

1. Establishing site access roads and staging areas;
2. Establishing disposal areas;
3. Demolishing designated structures and features;
4. Excavating and reinforcing the downstream tunnel portal;
5. Dredging and preparing the upstream portal;

6. Excavation and support of the 18.5-foot tunnel, 24-foot tunnel, and the micro-tunnel boring machine (MTBM) launch chamber;
7. Advancing the 8-foot MTBM tunnel lake-tap to Anderson reservoir;
8. Constructing the High-Level Outlet Works (HLOW) drop shaft;
9. Installing the final reinforced concrete lining in the MTBM Launch Chamber and the 24-foot tunnel;
10. Installing steel pipe in the diversion tunnel and HLOW drop shaft;
11. Constructing the diversion outlet structure;
12. Constructing the upstream trash rack structure below water;
13. Installing two 132-inch butterfly valves, two 132-inch fixed cone valves, and other mechanical equipment at the diversion outlet structure;
14. Installing electrical components;
15. Installing instrumentation and controls;
16. Testing of diversion system;
17. Constructing the Coyote Creek channel improvements including the outlet discharge channel, the northern channel, and the reinforced concrete weirs in the northern and southern channels;
18. Installing landscape and landscape maintenance. Landscape maintenance includes maintenance during the landscape installation and maintenance during the one-year establishment period following the landscape installation; and
19. Supplemental work items including remediating landslides along the reservoir rim in nearby residential neighborhood and strengthening the existing intakes. Supplemental work items will be added to the Work through change order.

**D. Schedule**

Valley Water anticipates awarding a contract in January 2021 for construction of this Project. The estimated construction contract duration is approximately 36 months.

The anticipated work hours are:

1. Tunneling
  - a. Tunnel Drive: Two 12 hour shifts 6 days per week

- b. Microtunnel Boring Machine (MTBM) Drive: Two 12-hour shifts  
7 days per week
- 2. Above ground earthwork and other activities except tunneling
  - a. Non-channel work: One 10-hour shift 5 days per week, with  
Saturdays reserved for maintenance/catch-up work
  - b. In-channel work: April 15 to October 15, One 10-hour shift 5 days  
per week, with Saturdays reserved for maintenance/catch-up work

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### 3. PREQUALIFICATION PROCESS SCHEDULE

**Notes:**

- A. This Schedule supersedes all other dates referenced in the Prequalification Application.
- B. All communications will be by e-mail to the e-mail address provided by the contractor.

Item No.	Activity	Timeline	Latest Date
1	Issuance of Prequalification Applications		August 18, 2020
2	Prequalification Conference	No later than 7 business days <i>after</i> issuance of Application.	August 27, 2020
3	Deadline to submit questions regarding the Prequalification Process, Application, or Comparable Project Experience	No later than 8 business days <i>before</i> Applications are due.	September 15, 2020
4	Last day for Valley Water to issue addenda	No later than 5 business days <i>before</i> Applications are due.	September 18, 2020
5	Deadline to submit completed Prequalification Application with all required attachments	See Latest Date	<b>September 25, 2020 at 2:00 p.m.</b>
6	Valley Water notifies each contractor by email of its proposed prequalification rating and posts list of proposed prequalified contractors on website	No later than 14 business days <i>after</i> Applications are due.	October 16, 2020
7	Deadline to request basis of proposed prequalification rating.	No later than 3 business days <i>after</i> proposed prequalification ratings are posted.	October 21, 2020
8	Deadline for Valley Water to provide documentation of proposed prequalification ratings	No later than 2 business days <i>after</i> documentation request is received.	October 23, 2020
9	Deadline to appeal Valley Water's proposed prequalification rating.	No later than 7 business days <i>after</i> proposed prequalification ratings are posted.	October 27, 2020
10	Appeals hearing(s) conducted by the Valley Water	No later than 7 business days <i>after</i> deadline to appeal.	November 5, 2020
11	Valley Water issues appeals decision(s)	No later than 7 business days <i>after</i> appeals heard.	November 17, 2020
12	Valley Water finalizes and posts list of prequalified contractors		November 25, 2020

### 4. GENERAL INSTRUCTIONS AND INFORMATION

#### A. General Information

1. All of the Prequalification Application must be completed with additional information attached if the space provided does not suffice. The Application must contain complete answers to questions contained in the Prequalification Questionnaire; information about current bonding capacity; notarized statement(s) from an admitted surety or sureties; and the most recently reviewed or audited financial statements, with accompanying notes and supplemental information. **Failure to include the required information will result in disqualification.**
2. It is essential that construction experience of the general contractor be demonstrated, as such experience is considered in establishing prequalification. Valley Water's decision will be based on objective evaluation criteria.
3. By providing the Prequalification Application to Valley Water the contractor acknowledges and agrees that Valley Water may:
  - a. Verify and research all information submitted;
  - b. Conduct an independent investigation of the contractor's qualifications; and
  - c. Check other sources of information regarding the contractor.
4. Valley Water reserves the right to adjust, increase, limit, suspend, or rescind the prequalification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification rating.
5. Each questionnaire must be signed under penalty of perjury by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify Valley Water and provide updated accurate information in writing, under penalty of perjury.
6. It is the intent of the Prequalification Questionnaire and documents required therewith to assist Valley Water in determining bidder responsibility prior to bid, and to aid Valley Water in selecting the responsible bidder, submitting the best value bid.
  - a. On August 25, 2020 Valley Water's Board of Directors approved selecting a contractor based on a best value determination. Points earned in the prequalification process for Section 5. Contractor

- Prequalification Questionnaire, paragraph E. Quality of Performance and Section 5. Contractor Prequalification Questionnaire, paragraph F. Comparable Project Experience would be weighted with a contractor's bid price, for a total score and ranking.
- b. Each bidder's best-value score will be determined by the procedure described in Appendix D Calculating a Bidder's Best Value Score.
7. Neither the fact of prequalification, nor any prequalification rating, will preclude Valley Water from performing a separate post-bid evaluation and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness to be awarded a contract pursuant to the California Public Contract Code.
  8. Contractors are advised that the act of providing a prequalification submittal is not, in itself, a guarantee that prequalification will be granted. Valley Water reserves the right to waive minor irregularities and omissions in the information contained in the Prequalification Application submitted, and to make all final determinations.
  9. If two or more business entities submit a bid as part of a Joint Venture or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture **MUST BE SEPARATELY PREQUALIFIED TO BID.**

**Notes:**

- a. Each entity of Joint Venture proposals must individually meet the conditions of prequalification requirements and the Contractor's License has not been suspended, put on probation or revoked at any time in the last 5 years.
  - b. The best value score for joint ventures will include the scores from all projects submitted by all of the joint venture's members.
  - c. Limited Liability Corporations (LLC) will be required to comply with a Guaranty of Obligations.
10. There is no Project Labor Agreement (PLA) governing this Project.

**B. Public Records Act Applicability**

1. The Prequalification Application (Questionnaire answers, financial statements, and other required documents) including information obtained during interviews under Section 5. Contractor Prequalification Questionnaire, paragraph E. Quality of Performance, are **NOT** public records and are **NOT** open to public inspection. All information provided will be kept **confidential** to the extent permitted by law. However, the

contents may be disclosed by Valley Water to third parties when necessary for purposes of verifying information provided by contractors; investigating substantial allegations; or relating to an appeal hearing.

2. Valley Water shall require its employees, agents, and independent contractors to execute a Non-Disclosure Agreement before reviewing any Applicant's confidential information contained in the Prequalification Application.
3. State law requires that the names of contractors applying for prequalification status shall be public records subject to disclosure. The cover page of the questionnaire that includes Contractor's information under Section 5. paragraph A. Contractor Information will be used for that purpose.

#### **C. Application Submittal**

1. Contractors must submit a completed Prequalification Application by the deadline stated and only in the manner described in Section 1. Notice of Request for Prequalification, paragraph C. Application Submission. Prequalification Applications will not be opened or reviewed by Valley Water until after the submission deadline. Contractors who submit a Prequalification Application will be notified of the Valley Water's Prequalification determination as per the Prequalification Process Schedule as detailed under Section 3.
2. Valley Water will not consider Prequalification Applications where the requested information and materials are not provided by the deadline. Failure to prequalify based on an incomplete or late Prequalification Application, cannot be appealed. The closing time for submission of Prequalification Applications will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.
3. In addition to a contractor scoring insufficient points to prequalify, Valley Water may also determine a contractor not prequalified for:
  - a. Omission of requested information;
  - b. Falsification of information; or
  - c. Failure to provide updated material or corrected information.

#### **D. Reviewed or Audited Financial Information**

1. Contractor must include the latest copy of its reviewed or audited Financial Statement. A Financial Statement that is not either reviewed or audited is not acceptable. The Financial Statement must be prepared by an Independent Certified Public Accountant and must be submitted with an Opinion Letter, signed by the Independent Certified Public Accountant, including a statement substantially similar to the following:



- a. We have audited the accompanying financial statement of XYZ Company as of (*date*), and the related statements for the year ended XYZ. These financial statements are the responsibility of XYZ Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.
- b. We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.
- c. In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of XYZ Company as of (*date*), and the results of its operations and its cash flows for the year then ended in conformity with generally accepted accounting principles.

### **E. Inquiries**

1. Bidder must submit all questions regarding the Prequalification Process, Prequalification Application or concerns regarding Comparable Project Experience requirements in writing as directed under Section 3. Prequalification Process Schedule. Questions received after the deadline may not be answered.

Address all inquiries to **Ken Wong** at [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

### **F. Addenda Information on the Project Configuration**

1. Valley Water may issue written addenda as appropriate for clarification or other purposes during the prequalification period. Addenda notification(s) will be sent to all contractors on the Prequalification Participant List at the e-mail address provided by the contractor.

The addenda will be posted on Valley Water's website:  
<https://www.valleywater.org/construction>

The contractor is responsible for compliance with any and all addenda regardless if they receive notification or not.

### **G. Public Contract Code Section 20101**

1. In 1999 the Legislature enacted Public Contract Code section 20101 which allows many public agencies, including Valley Water, to require

licensed contractors that wish to bid for public works jobs to “prequalify” for the right to bid on a specific public works project, or on public works projects undertaken by a public agency during a specified period of time.

2. The law requires every public agency that creates either kind of prequalification procedure to:
  - a. Implement a "standardized questionnaire and financial statement in a form specified by the public entity" (section 20101(a));
  - b. Adopt and apply a uniform system of rating bidders on objective criteria, on the basis of the completed questionnaires and financial statements (Public Contract Code section 20101(b)); and
  - c. Create an appeal procedure, by which a contractor that is denied prequalification may seek a reversal of that determination. (Public Contract Code section 20101(d)).
  
3. The appeal procedure must allow prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids. The appeal procedure provided for in this Prequalification process will be concluded before Valley Water solicits bids for the Project.

### H. Scoring of Prequalification Applications

1. Valley Water's scoring of Prequalification Applications will be based on objective evaluation criteria. Only contractors meeting the Minimum Requirements for all Section 5. Contractor Prequalification Questionnaire, paragraphs C. Essential Criteria Questions through F. Comparable Project Experience will receive a rating of prequalified. Prequalification will be determined based on the following requirements indicated in the table below:

<b>MINIMUM REQUIREMENTS FOR SECTION 5. CONTRACTOR PREQUALIFICATION QUESTIONNAIRE</b>	
<b>PARAGRAPH C:</b> Essential Criteria Requirements	Qualify on all questions
<b>PARAGRAPH D:</b> Pre-Qualification Criteria	See Appendix B. Scoring Worksheet for Minimum Score
<b>PARAGRAPH E:</b> Quality of Performance (interview responses)	Minimum Score of 84 out of 120 on each of the two interviews
<b>PARAGRAPH F:</b> Comparable Project Experience	Minimum Score of 60 out of 85 on each of the three projects

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### I. Appeal Procedure

1. Upon written request from the contractor, Valley Water will provide notification to the contractor in writing of the basis for Valley Water's disqualification rating and any supporting evidence that has been received from others or adduced as a result of an investigation by Valley Water.
2. If a timely and complete Prequalification Application results in the contractor receiving a rating below that necessary to prequalify, an appeal of Valley Water's proposed prequalification rating can be made. To initiate an appeal, the contractor must notify Valley Water in writing appealing the proposed prequalification rating. The request must be made no later than 7 business days after Valley Water posts the proposed prequalification ratings on Valley Water's website. Failure to file a timely appeal waives any and all rights the contractor has to challenge the decision of Valley Water, whether by administrative process, judicial process, or any other legal process or proceeding.
3. If the contractor submits a timely appeal, an administrative hearing will be conducted no later than 7 business days after the deadline to appeal. The contractor will be given the opportunity to rebut any evidence used as a basis for the proposed prequalification rating and to present evidence to Valley Water why the contractor should receive a rating of prequalified. Valley Water will provide a written decision within 7 business days after the conclusion of the hearing.
4. If a contractor chooses not to avail itself of this appeal process, the proposed prequalification determination will be finalized and adopted without further proceedings.

### J. Bonding Capacity

1. Contractor must provide an original notarized statement from its surety company/companies, admitted to sell surety coverage in California with an A.M. Best rating of A, V, identifying the following:
  - a. Name of company/surety (companies/sureties);
  - b. NAIC #(s);
  - c. Name of surety agent, address, and phone number; and
  - d. Statement(s) that the contractor's current bonding capacity is sufficient to satisfy the bonding requirements for project with an estimated contract amount of \$168.45 million.

**Note:** Notarized statement(s) must be from the surety company / companies, not an agent or broker.

**K. Commitment to Use Skilled and Trained Workforce**

1. Valley Water has introduced Assembly Bill 3005 in the current legislative session. If enacted, it will provide explicit statutory authority for best value contractor procurement for the ADTP. It further states:

“A best value contractor shall not be prequalified, shortlisted, or awarded a contract, regardless of whether the best value process is used, unless the contractor provides an enforceable commitment to the district that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1.”

Valley Water, therefore, requires all Applicants to execute Appendix C. Affidavit of Compliance with California’s Skilled and Trained Workforce Requirements (Public Contract Code §§ 2600–2603).

2. Each Applicant must provide an enforceable commitment to Valley Water that the Applicant and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1.
3. Each Applicant must complete and submit the form provided in Appendix C, Affidavit of Compliance with California’s Skilled and Trained Workforce Requirements (Public Contract Code §§ 2600–2603), of this Prequalification Application.

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# Contractor Pre-Qualification Questionnaire Contractor Information

## 5. CONTRACTOR PREQUALIFICATION QUESTIONNAIRE

**Note:** A Microsoft Word Document is available at Valley Water’s Website titled ADTP Section 5. Prequalification Application Package.

### A. Contractor Information (All Questions Must Be Answered)

Firm Name (as it appears on CSLB license): \_\_\_\_\_

Firm Type:  Corporation  LLC  Partnership  
(select one)  Sole Partnership  Joint Venture

Contact Person/Title: \_\_\_\_\_  
*(List Owner(s) if Firm is a Sole Proprietorship or Partnership)*

Local Address (P.O. Box is not acceptable): \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office Telephone: \_\_\_\_\_

Contact Mobile: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

List all California construction or other professional license numbers, classifications and expiration dates held by your firm:

License Number	Classification	Expiration Date

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## Contractor Pre-Qualification Questionnaire Contractor Information

List your firm's DIR Public Works Contractor (PWCR) Registration Number(s):

PWCR Number	Entity Name	Expiration Date

If any of your firm's license(s) are held in the name of a corporation, limited liability company, or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

License Number	Qualifying Individual	Expiration Date

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**B. Current Organization and Structure**

Complete the section below for the appropriate type of firm:

**For Firms That Are Corporations:**

1.a. Date incorporated: \_\_\_\_\_

1.b. Under the laws of what state: \_\_\_\_\_

1.c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent of the corporation's stock:

Name	Position	Years with Firm	% Ownership

1.d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years. **NOTE: For this question, "owner" and "partner" refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person's Name	Construction Firm	Date of Person's Participation with Firm

**For Firms That Are Limited Liability Companies (LLC):**

1.a. Date Article of Organization filed: \_\_\_\_\_

1.b. Under the laws of what state: \_\_\_\_\_

1.c. Provide all the following information for all members of the LLC:

Name	Position	Years with Firm	% Ownership

1.d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years. **NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Date of Person’s Participation with Firm

**For Firms That Are Partnerships:**

1.a. Date incorporated: \_\_\_\_\_

1.b. Under the laws of what state: \_\_\_\_\_

1.c. Provide all the following information for each partner who owns ten percent or more of the firm.

Name	Position	Years with Firm	% Ownership



- 1.d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years. **NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Date of Person’s Participation with Firm

**For Firms That Are Sole Proprietorships:**

- 1.a. Date of commencement of business: \_\_\_\_\_
- 1.b. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years. **NOTE: For this question, “owner” and “partner” refer to ownership of ten percent or more of the business, or ten percent or more of its stock, if the business is a corporation.**

Person’s Name	Construction Firm	Date of Person’s Participation with Firm

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## Contractor Pre-Qualification Questionnaire Current Organization and Structure

**For Firms That Intend to Make a Bid as Part of a Joint Venture:**

- 1.a. Date of commencement of joint venture: \_\_\_\_\_
- 1.b. Provide all the following information for each firm that is a member of the joint venture that expects to bid on one or more projects.

Name of Construction Firm	% Ownership

**Note: Explain on a separate sheet. Provide all other pertinent information required in the sections above, for each Corporation, LLC, Partnership, or Sole-Proprietorship that is a part of the Joint Venture.**

**For All Firms:**

2. At any time during the past five years, has your firm shared office space, warehouse space, yard, plant or shop facilities, staff, equipment, telecommunications or other assets with any other construction firm? (If yes, identify and explain below.)

Construction Firm	Description of Sharing Agreement	Location of Facilities

3. State your firm's gross revenues for each of the last three fiscal years:
- Current year (\$): \_\_\_\_\_
- Previous year (\$): \_\_\_\_\_
- Year prior to previous year (\$): \_\_\_\_\_



## Contractor Pre-Qualification Questionnaire Current Organization and Structure

4. How many years has your firm been in business in California as a contractor under your present business name and license number?

\_\_\_\_\_

5. Bonding Capacity – Provide documentation from your surety/sureties identifying the following:

Name of Bonding Company/Surety: \_\_\_\_\_

Name of Surety Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

6. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates on which they were issued:

Name	Address	Date

8. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

9. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

Current year rate: \_\_\_\_\_



## Contractor Pre-Qualification Questionnaire Current Organization and Structure

Previous year rate: \_\_\_\_\_

Year prior to previous year rate: \_\_\_\_\_

10. Does your firm regularly utilize a third-party consultant to review labor compliance documents of subcontractors on a public works project?

Yes    No

11. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to employ on any public works project awarded by Santa Clara Valley Water District.

Name	Address	Phone

12. Provide the name, address and telephone number of the apprenticeship program (approved by the California Apprenticeship Council) from whom you have requested and/or employed apprentices in the past three years.

Name	Address	Phone

13. If your firm operates its own State-approved apprenticeship program:

- a. Identify the craft or crafts in which your firm provided apprenticeship training in the past year;
- b. State the year in which each such apprenticeship program was approved and attach evidence of the most recent California Apprenticeship Council approval(s);
- c. For each craft, list the number apprentices employed by your firm and the number of individuals that completed apprenticeships while employed by your firm during the last three years.



## Contractor Pre-Qualification Questionnaire Current Organization and Structure

Craft	Year	No. Apprentices	No. Completed

14. Has your firm changed names or license number in the past five years?  
 Yes  No  
*(If yes, explain on a separate sheet, including the reason for the change.)*

15. Has there been any change in ownership of your firm at any time during the last five years?  
 Yes  No  
*(If yes, explain on a separate sheet.)*

**NOTE: A corporation whose shares are publicly traded is NOT required to answer this question.**

16. Is your firm a subsidiary, parent, holding company or affiliate of another construction firm?  
 Yes  No  
*(If yes, explain on a separate sheet.)*

**NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

17. Has any owner, partner and/or officer of your firm operated or been connected to a construction firm under any other name in the last five years not listed in Section 5. paragraphs A. Contractor Information or B. Current Organization Criteria at any time in the past five years?  
 Yes  No  
*(If yes, provide the person's name, construction firm name, and dates of participation.)*

Name	Construction Firm	Dates of Participation

**C. Essential Criteria Questions**

Contractor will be **immediately disqualified** if the answer to any of questions 1 through 6 is “No.”

1. Does your firm possess a valid and current California Contractor’s license as required by law for the project or projects for which it intends to submit a bid?  
 Yes  No
2. Is your firm registered with California Department of Industrial Relations (DIR) as a Public Works Contractor for the current fiscal year?  
 Yes  No
3. Does your firm have the ability to obtain the minimum insurance policies for this Project as set forth in Appendix A Insurance Requirements?  
 Yes  No
4. Does your firm have a current Workers’ Compensation insurance policy as required by the Labor Code or is your firm legally self-insured pursuant to Labor Code section 3700 et. seq.?  
 Yes  No
5. Have you attached your firm’s latest copy of reviewed or audited financial statements with accompanying notes and supplemental information?  
 Yes  No

**NOTE: Financial statements that are neither reviewed nor audited are not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statements.**

6. Have you attached a notarized statement from an admitted surety insurer/insurers (approved by the California Department of Insurance) authorized to issue bonds in the State of California, which states that:  
(a) your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre- qualification for a single

project; or valid for a year if you are seeking pre-qualification valid for a year; and (b) your current available bonding capacity?<sup>1</sup>

Yes  No

**NOTE: Notarized statement must be from the surety company, not an agent or broker.**

Contractor will be **immediately disqualified** if the answer to any of questions 7 through 13 is "Yes."

7. Has your contractor's license been revoked at any time in the last five years?

Yes  No

8. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was in default and/or terminated by the project owner within the last five years?

Yes  No

9. Is your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section 5. paragraphs A. Contractor Information and/or B. Current Organization Criteria, ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to Labor Code section 1777.1, Labor Code section 1777.7, or any other federal, state, county, municipal or other local law providing for the debarment of contractors from public works?

Yes  No

10. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section 5. paragraphs A. Contractor Information and/or B. Current Organization Criteria been convicted of a crime involving the awarding of a contract of a government construction project, the bidding or performance of a government contract, antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

Yes  No

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<sup>1</sup> An additional notarized statement from the surety may be requested by Santa Clara Valley Water District at the time of submission of a bid, if this pre-qualification questionnaire is submitted more than 60 days prior to submission of the bid.

11. Is your firm currently the debtor in a bankruptcy case?

Yes  No

*(If yes, attach a copy of the bankruptcy petition showing the case number and date on which the petition was filed.)*

12. Has your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section 5. paragraphs. Contractor Information and/or B. Current Organization Criteria ever been terminated from a public works contract, including but not limited to termination based on any misconduct, such as failure to comply with contractual, statutory, or other legal obligations from any public construction project?

Yes  No

13. Does your firm, any of its officers, supervisors, managers, or any firm or individual identified above in Section 5. paragraphs. Contractor Information and/or B. Current Organization Criteria currently have any delinquent liability to an employee, the state, or any awarding body for any assessment of back wages or related damages, interest, fines or penalties pursuant to any final judgment, order, or determination by any court or any federal, state, or local administrative agency, including a confirmed arbitration award?

Yes  No

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**D. Pre-Qualification Criteria Questions****Prior History**

1. How many times has your firm, or any of its officers, supervisors, or managers, declared bankruptcy at any time during the last five years?

Check One  0  1  2  3  4  5+

*(This question refers only to a bankruptcy action that was not described in your answer to Question 11 in Section 5. Contractor Prequalification Questionnaire, paragraph C. Essential Criteria Questions. If yes, attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed, a copy of the Bankruptcy Court's discharge order or any other document that concluded the case if no discharge order was issued.)*

2. How many times has your firm, or any of its officers, supervisors, or managers, had an injunction, judgment, order, or lien entered against it for outstanding taxes assessed or fines, penalties and/or unpaid employee wages at any time in the last five years?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide details, including the name of the government agency, caption, date, case or docket number, and disposition. Be sure to note any judgments or liens that have not been fully satisfied.)*

3. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging violation of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)*

4. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, been a party in any civil litigation or administrative proceeding alleging a violation by a subcontractor hired by your firm of any of the following: contract antitrust statutes, racketeering statutes, safety and health regulations, environmental laws, laws banning workplace

discrimination, laws governing wages, hours or labor standards, or laws involving fraud, theft, or any other act of dishonesty?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide details including the nature of the claims and defenses, caption, date, case or docket number, name of the court or agency before which the case is pending or which it was heard, and current status.)*

5. How many times in the past five years, has your firm, or any of its officers, supervisors, or managers, paid any amount, fine or otherwise, regardless of characterization, to settle any of the allegations listed in Questions 3 and 4 above, whether with or without an admission of responsibility or liability?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide details, including the caption, date, case or docket number, and name of the court or agency before which the case was brought.)*

6. How many times has your firm, or any of its officers, supervisors, or managers, been debarred, suspended, disqualified, denied a classification rating or pre-qualification or otherwise been declared not responsible to or prevented from bidding or performing work on any public works contract or subcontract in the last five years?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, name of the person within your firm who was associated with that company, date, owner of the project, project name and information, basis for the action, and case or docket number.)*

7. How many times in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify all such projects by owner, owner's address, date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.)*

8. How many times during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify the amount of each such claim, name and telephone number of the claimant, date of claim, grounds for claim, present status of claim, date of resolution of such claim if resolved, method by which claim was resolved if resolved, nature of resolution and amount, if any, at which claim was resolved.)*

9. How many times in the last five years has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Name the insurance carrier, form of insurance, and year of refusal.)*

10. How many times during the last five years, has your firm been denied bond coverage by a surety company, or has there been a period of time when your firm had no surety bond in place during a public works construction project when one was required?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Indicate the date when your firm was denied coverage, name of the company or companies which denied coverage, and the time period during which you had no surety bond in place.)*

### **Criminal Matters and Civil Suits**

11. How many times has your firm, or any of its officers, supervisors, or managers, ever been convicted of a crime involving any federal, state, or local law related to construction?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify who was involved, name of the public agency, date of conviction, and grounds for conviction.)*

12. How many times has your firm, or any of its officers, supervisors, or managers, ever been found liable in a civil suit or convicted of a federal or state crime of fraud, theft, or involving any other act of dishonesty, such as making any false claim or material misrepresentations?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify the person or persons convicted or found liable, court [the county if a state court, the district or location if federal court], year, and conduct involved.)*

**NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes involving amounts of less than \$50,000.**

13. How many times in the last five years has any claim against your firm concerning your firm's work on a construction project been filed in court or arbitration?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim [e.g. "pending" or, if resolved, a brief description of the resolution].)*

14. How many times in the last five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify the claim(s) by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim [e.g. "pending" or if resolved, a brief description of the resolution].)*

### **Occupational Health and Safety Compliance**

15. How many times in the last five years has CalOSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violation(s) or the federal Occupational Safety and Health Administration cited and assessed penalties against your firm for violation(s) of safety or health regulations?

Check One  0  1  2  3  4  5+

**NOTE: 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.**

16. How many times in the last five years has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet describing each citation.)*

**NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

17. How many times within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Check One  0  1  2  3  4  5+

*(Explain the reason for each absence of workers' compensation insurance on a separate sheet. If "None," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)*

### **Prevailing Wage and Apprenticeship Compliance**

18. How many times during the last five years, has your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by **your firm**?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Describe the nature of each violation and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)*

**NOTE: Question 18 refers only to the violation of prevailing wage laws by your firm, not to violations by a subcontractor.**

19. How many times during the last five years, has your firm or any subcontractors hired by your firm been required to pay back wages and/or penalties related to **state or federal** prevailing wage laws for work performed by a **subcontractor**?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Identify the subcontractor's business name and CSLB license number, describe the nature of each violation, and identify the name of the project, date of its completion, public agency for which it was constructed, number of employees underpaid, and amount(s) of back wages and penalties your firm was required to pay.)*

**NOTE: This question refers only to the violation of prevailing wage laws by subcontractors, not to violations by your firm.**

20. How many times during the last five years, has your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code sections 1777.5 and 1777.7?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)*

21. How many times during the last five years, has any subcontractor hired by your firm paid any penalties related to any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects, including Labor Code Sections 1777.5 and 1777.7?

Check One  0  1  2  3  4  5+

*(Explain on a separate sheet. Provide the date(s) of such findings, case number(s), and attach copies of the Department's final decision(s).)*



**NOTE: Omissions, misrepresentations and any failure to disclose associations with other firms or any prior history of alleged violations may lead to loss of your eligibility to register as a Public Works Contractor, disqualification of bids, and/or grounds for termination of a contract.**

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**E. Quality of Performance**

The following questions will be used to interview owner references for two of the three completed projects described in Section 5. Contractor Prequalification Questionnaire, paragraph F. Comparable Project Experience. No action on the Contractor's part is necessary. These questions are included in this questionnaire for information only.

1. It is the Contractor's responsibility to provide correct and current reference contact information for each project.
2. Valley Water will initially contact owner references for the first two of the three completed projects presented in Section 5. Contractor Prequalification Questionnaire, paragraph F. Comparable Project Experience. Valley Water will contact references for the third project only if Valley Water is unable to reach the reference, a reference is unavailable, or Valley Water is unable to interview the reference within 5 working days of the initial contact. Valley Water will contact the owner's Project Manager, Architect or Engineer-of-Record, and Construction Manager for interviews. There will be 3 interviews conducted for each project for a total of 6 interviews.
3. The scoring for the Interview Questions in this paragraph E. for each project will be as follows:
  - a. The score for each of the 13 interview questions will be an average of the total score obtained from the three interviews for each question;
  - b. For any of the questions that an interviewed reference does not provide a response or declines to respond, that question will receive a N/A rating. The resulting score for that question will be an average of the total score obtained from the other reference interviews; and
  - c. For any of the questions, except question 1, where all of the responses receive a N/A rating, that question will receive a score of zero.

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**INTERVIEW QUESTIONS*****Information Only. No Action Required by Contractor.***

The highest possible score for each project is 120 points. A score of fewer than 84 points on either of the two projects disqualifies the Contractor from bidding on this Project.

First, please give a brief description of the project:

1. Are there any outstanding stop notices, liens, or claims by the Contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
2. On a scale of 1–10 with 10 being the best, did the Contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1–10 with 10 being the best, did the Contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1–10 with 10 being the best, did the Contractor provide adequate equipment on the job? (Max. 10 points)
5. 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)
6. On a scale of 1–10 with 10 being the best, did the Contractor adhere to the project schedule approved by the project owner? (Max. 10 points)
7. On a scale of 1–10, to what extent was the contractor responsible for delays, if any, in project completion? (Max. 10 points for project being completed on time or if the contractor was not responsible for any delay).
8. On a scale of 1–10 with 10 being the best, rate the Contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
9. On a scale of 1–10 with 10 being the best, how well did the Contractor perform the work after a change order was issued, and how well did the Contractor integrate the change order work into the existing work? (Max. 10 points).
10. On a scale of 1–10 with 10 being the best, rate the Contractor's performance regarding submission of Operation & Maintenance manuals, completing as-built drawings, providing required training, and taking care of warranty items. (Max. 10 Points)
11. On a scale of 1–10 with 10 being the best, rate the Contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)



12. On a scale of 1–10 with 10 being the highest, rate the Contractor with respect to timely payments by the Contractor to either subcontractors or suppliers. (If there were no such difficulties, the score on this question should be “10.”)
13. On a scale of 1–10 with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

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**F. Comparable Project Experience**

Each entity to a Joint Venture applying for prequalification must be separately prequalified.

Valley Water reserves the right to contact references to verify any of the responses provided under this Section 5. Contractor Prequalification Questionnaire, paragraph F. Comparable Project Experience.

**Comparable Projects**

Provide the following information for **3** comparable projects that your company has completed within the last **15** years.

For the project to be considered completed, it must have been accepted by the project owner.

1. Comparable projects will score higher if they include:
  - a. similar sized tunnels and shafts to the ADTP;
  - b. excavation through weak, sheared ground with fault zones and low standup times;
  - c. use of roadheader and/or drill and blast excavation methods;
  - d. use of ground support measures including fiber reinforced shotcrete, steel sets, and rock bolts;
  - e. pre-excavation drilling and grouting and face support measures; and
  - f. reinforced concrete final lining, and steel carrier pipes within the tunnel.
  
2. Comparable projects will score higher if they include Microtunnel Boring Machine (MTBM) mined tunnel reaches driven through mixed-face conditions below the water table with wet recovery either in a lake tap or inside a shaft.

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## Contractor Pre-Qualification Questionnaire Comparable Project Experience – Project 1

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### PROJECT 1

A Contractor must obtain a score of at least 60 points out of 85 for PROJECT 1.

#### A.1. PROJECT 1 – General Information

1. PROJECT 1 Name: \_\_\_\_\_
2. Name, Address, and License # of Company awarded the Contract:  
\_\_\_\_\_
3. Contract Date: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Owner: \_\_\_\_\_
6. Was the owner a Government entity?  
 Yes  No
7. Was PROJECT 1 performed by a Joint Venture?  
 Yes  No
8. Owner address and current phone number: \_\_\_\_\_  
\_\_\_\_\_
9. Owner's Project Manager and contact information (name, firm, e-mail and current phone number):  
\_\_\_\_\_
10. Architect or Engineer-of-Record contact (name, firm, e-mail, and current phone number):  
\_\_\_\_\_
11. Owner's Construction Manager and contact information (name, firm, e-mail, and current phone number)  
\_\_\_\_\_
12. Total Contract Price upon award or formation: \_\_\_\_\_
13. Total Cost of Construction (including change orders): \_\_\_\_\_
14. Original Scheduled Completion Date: \_\_\_\_\_

15. Time Extensions Granted (number of days): \_\_\_\_\_
16. Actual Date of Completion: \_\_\_\_\_
17. On a separate sheet of paper, please include the following information for PROJECT 1:
- a. Scope of work performed;
  - b. List names and contacts for each of the major subcontractors managed. Please describe specific work performed by others, their cost portion of the construction contract, and indicate your relationship with these other firms; and
  - c. Describe the scope of contract modifications, and the total dollar values and time extensions associated with the changes.

**A.2. PROJECT 1 – Special Information**

1. Project Construction Type:
- a. Did the work involve the use of an MTBM or Tunnel Boring Machine (TBM) below the water table with wet recovery either in a lake tap or inside a shaft?  
 Yes (8 points)       No (0 points)
  - b. Did the work involve Sequential Excavation Method (SEM) tunneling?  
 Yes (6 points)       No (0 points)
  - c. Did the work involve shaft construction?  
 Yes (3 points)       No (0 points)
  - d. Did the work include a final lining of cast-in-place reinforced concrete?  
 Yes (5 points)       No (0 points)
  - e. Did the work involve roadheader and/or drill and blast excavation tunneling?  
 Yes (5 points)       No (0 points)
2. Length of Project:
- a. What was the length of the project?  
 0 to 500 ft. (1 point)  
 500 to 1500 ft. (3 points)

Greater than 1500 feet (5 points)

3. Project Control of Water:

a. Did the project require water control measures to address groundwater inflows such as pre-drainage, probe hole drilling, and pre-excavation grouting?

Yes (5 points)       No (0 points)

b. Did the project require the handling and treatment of all water inflows encountered during tunnel construction?

Yes (2 points)       No (0 points)

4. Project Quality Control:

a. Did the project include an independent Quality Control manager with full authority to stop work and require removal or replacement of defective contract work?

Yes (3 points)       No (0 points)

5. Risk Management:

a. Did the work require participation in a construction phase risk register process with periodic workshops with the Construction Manager, Designer, and/or Owner?

Yes (3 points)       No (0 points)

6. Project Schedule:

a. Did the construction team include a professional scheduler (with certification by the Association for the Advancement of Cost Engineers or similar entity)?

Yes (2 points)       No (0 points)

b. Did the project require work to be performed during a time-constrained construction season defined by permit conditions?

Yes (3 points)       No (0 points)

c. Was the project completed on schedule without delays due to procuring labor, materials, and/or equipment?

Yes (3 points)       No (0 points)

7. Environmental Compliance:
- a. Did the project encounter Naturally Occurring Asbestos (NOA) during tunneling and implement appropriate safety measures as mandated by CalOSHA or other regulatory agencies?  
 Yes (8 points)       No (0 points)
  - b. Was a Notice of Violation (NOV), a Stop Work Notice, or other shutdown notice issued on the project due to any contractor non-compliance with regulatory permits?  
 No (5 points)       Yes (subtract 1 point)
  - c. Was the tunnel excavation considered “potentially gassy” as defined by OSHA 29 CFR 1926.800 and per Cal OSHA Tunnel Safety Order Subchapter 20?  
 Yes (5 points)       No (0 points)
8. Materials:
- a. Did the project include the installation of slope stabilization and reinforcing geogrid materials?  
 Yes (2 points)       No (0 points)
  - b. Did import materials meet project specifications?  
 Yes (2 points)       No (0 points)
  - c. If “No” to question 7.b, did the contractor request a modification to the specifications for import material?  
 Yes (2 points)       No (0 points)
9. Permitting and Best Management Practices (BMP) Experience:
- a. Did the project site include water bodies and/or streams subject to regulatory permits?  
 Yes (5 points)       No (0 points)
  - b. During performance of the project, were there any National Pollution Discharge Elimination System (NPDES) Permit violations?  
 No violations (5 points)       1 or more violations (subtract 3 points)



## Contractor Pre-Qualification Questionnaire Comparable Project Experience – Project 2

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### PROJECT 2

A Contractor must obtain a score of at least 60 points out of 85 for PROJECT 2.

#### A.1. PROJECT 2 – General Information

1. PROJECT 2 Name: \_\_\_\_\_
2. Name, Address, and License # of Company awarded the Contract: \_\_\_\_\_  
\_\_\_\_\_
3. Contract Date: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Owner: \_\_\_\_\_
6. Was the owner a Government entity?  
 Yes  No
7. Was PROJECT 2 performed by a Joint Venture?  
 Yes  No
8. Owner address and current phone number: \_\_\_\_\_  
\_\_\_\_\_
9. Owner's Project Manager and contact information (name, firm, e-mail and current phone number):  
\_\_\_\_\_
10. Architect or Engineer-of-Record contact (name, firm, e-mail, and current phone number):  
\_\_\_\_\_
11. Owner's Construction Manager and contact information (name, firm, e-mail, and current phone number)  
\_\_\_\_\_
12. Total Contract Price upon award or formation: \_\_\_\_\_
13. Total Cost of Construction (including change orders): \_\_\_\_\_
14. Original Scheduled Completion Date: \_\_\_\_\_

15. Time Extensions Granted (number of days): \_\_\_\_\_
16. Actual Date of Completion: \_\_\_\_\_
17. On a separate sheet of paper, please include the following information for PROJECT 2:
- a. Scope of work performed;
  - b. List names and contacts for each of the major subcontractors managed. Please describe specific work performed by others, their cost portion of the construction contract, and indicate your relationship with these other firms; and
  - c. Describe the scope of contract modifications, and the total dollar values and time extensions associated with the changes.

**A.2. PROJECT 2 – Special Information**

1. Project Construction Type:
- a. Did the work involve the use of an MTBM or Tunnel Boring Machine (TBM) below the water table with wet recovery either in a lake tap or inside a shaft?  
 Yes (8 points)       No (0 points)
  - b. Did the work involve Sequential Excavation Method (SEM) tunneling?  
 Yes (6 points)       No (0 points)
  - c. Did the work involve shaft construction?  
 Yes (3 points)       No (0 points)
  - d. Did the work include a final lining of cast-in-place reinforced concrete?  
 Yes (5 points)       No (0 points)
  - e. Did the work involve roadheader and/or drill and blast excavation tunneling?  
 Yes (5 points)       No (0 points)
2. Length of Project:
- a. What was the length of the project?  
 0 to 500 ft. (1 point)  
 500 to 1500 ft. (3 points)



Greater than 1500 feet (5 points)

3. Project Control of Water:

a. Did the project require water control measures to address groundwater inflows such as pre-drainage, probe hole drilling, and pre-excavation grouting?

Yes (5 points)       No (0 points)

b. Did the project require the handling and treatment of all water inflows encountered during tunnel construction?

Yes (2 points)       No (0 points)

4. Project Quality Control:

a. Did the project include an independent Quality Control manager with full authority to stop work and require removal or replacement of defective contract work?

Yes (3 points)       No (0 points)

5. Risk Management:

a. Did the work require the participation in a construction phase risk register process with periodic workshops with the Construction Manager, Designer, and/or Owner?

Yes (3 points)       No (0 points)

6. Project Schedule:

a. Did the construction team include a professional scheduler (with certification by the Association for the Advancement of Cost Engineers or similar entity)?

Yes (2 points)       No (0 points)

b. Did the project require work to be performed during a time-constrained construction season defined by permit conditions?

Yes (3 points)       No (0 points)

c. Was the project completed on schedule without delays due to procuring labor, materials, and/or equipment?

Yes (3 points)       No (0 points)

7. Environmental Compliance:
- a. Did the project encounter Naturally Occurring Asbestos (NOA) during tunneling and implement appropriate safety measures as mandated by CalOSHA or other regulatory agencies?  
 Yes (8 points)       No (0 points)
  - b. Was a Notice of Violation (NOV), a Stop Work Notice, or other shutdown notice issued on the project due to any contractor non-compliance with regulatory permits?  
 No (5 points)       Yes (subtract 1 point)
  - c. Was the tunnel excavation considered “potentially gassy” as defined by OSHA 29 CFR 1926.800 and per Cal OSHA Tunnel Safety Order Subchapter 20?  
 Yes (5 points)       No (0 points)
8. Materials:
- a. Did the project include the installation of slope stabilization and reinforcing geogrid materials?  
 Yes (2 points)       No (0 points)
  - b. Did import materials meet project specifications?  
 Yes (2 points)       No (0 points)
  - c. If “No” to question 7.b, did the contractor request a modification to the specifications for import material?  
 Yes (2 points)       No (0 points)
9. Permitting and Best Management Practices (BMP) Experience:
- a. Did the project site include water bodies and/or streams subject to regulatory permits?  
 Yes (5 points)       None (0 points)
  - b. During performance of the project, were there any National Pollution Discharge Elimination System (NPDES) Permit violations?  
 No violations (5 points)       1 or more violations (subtract 3 points)



**PROJECT 3**

A Contractor must obtain a score of at least 60 points out of 85 for PROJECT 3.

**A.1. PROJECT 3 – General Information**

1. PROJECT 3 Name: \_\_\_\_\_
2. Name, Address, and License # of Company awarded the Contract: \_\_\_\_\_  
\_\_\_\_\_
3. Contract Date: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Owner: \_\_\_\_\_
6. Was the owner a Government entity?  
 Yes  No
7. Was PROJECT 3 performed by a Joint Venture?  
 Yes  No
8. Owner address and current phone number: \_\_\_\_\_  
\_\_\_\_\_
9. Owner's Project Manager and contact information (name, firm, e-mail and current phone number):  
\_\_\_\_\_
10. Architect or Engineer-of-Record contact (name, firm, e-mail, and current phone number):  
\_\_\_\_\_
11. Owner's Construction Manager and contact information (name, firm, e-mail, and current phone number)  
\_\_\_\_\_
12. Total Contract Price upon award or formation: \_\_\_\_\_
13. Total Cost of Construction (including change orders): \_\_\_\_\_
14. Original Scheduled Completion Date: \_\_\_\_\_

15. Time Extensions Granted (number of days): \_\_\_\_\_
16. Actual Date of Completion: \_\_\_\_\_
17. On a separate sheet of paper, please include the following information for PROJECT 3:
- a. Scope of work performed;
  - b. List names and contacts for each of the major subcontractors managed. Please describe specific work performed by others, their cost portion of the construction contract, and indicate your relationship with these other firms; and
  - c. Describe the scope of contract modifications, and the total dollar values and time extensions associated with the changes.

**A.2. PROJECT 3 – Special Information**

1. Project Construction Type:
- a. Did the work involve the use of an MTBM or Tunnel Boring Machine (TBM) below the water table with wet recovery either in a lake tap or inside a shaft?  
 Yes (8 points)       No (0 points)
  - b. Did the work involve Sequential Excavation Method (SEM) tunneling?  
 Yes (6 points)       No (0 points)
  - c. Did the work involve shaft construction?  
 Yes (3 points)       No (0 points)
  - d. Did the work include a final lining of cast-in-place reinforced concrete?  
 Yes (5 points)       No (0 points)
  - e. Did the work involve roadheader and/or drill and blast excavation tunneling?  
 Yes (5 points)       No (0 points)
2. Length of Project:
- a. What was the length of the project?  
 0 to 500 ft. (1 point)  
 500 to 1500 ft. (3 points)

Greater than 1500 feet (5 points)

3. Project Control of Water:

a. Did the project require water control measures to address groundwater inflows such as pre-drainage, probe hole drilling, and pre-excavation grouting?

Yes (5 points)       No (0 points)

b. Did the project require the handling and treatment of all water inflows encountered during tunnel construction?

Yes (2 points)       No (0 points)

4. Project Quality Control:

a. Did the project include an independent Quality Control manager with full authority to stop work and require removal or replacement of defective contract work?

Yes (3 points)       No (0 points)

5. Risk Management:

a. Did the work require participation in a construction phase risk register process with periodic workshops with the Construction Manager, Designer, and/or Owner?

Yes (3 points)       No (0 points)

6. Project Schedule:

a. Did the construction team include a professional scheduler (with certification by the Association for the Advancement of Cost Engineers or similar entity)?

Yes (2 points)       No (0 points)

b. Did the project require work to be performed during a time-constrained construction season defined by permit conditions?

Yes (3 points)       No (0 points)

c. Was the project completed on schedule without delays due to procuring labor, materials, and/or equipment?

Yes (3 points)       No (0 points)

7. Environmental Compliance:
- a. Did the project encounter Naturally Occurring Asbestos (NOA) during tunneling and implement appropriate safety measures as mandated by CalOSHA or other regulatory agencies?  
 Yes (8 points)       No (0 points)
  - b. Was a Notice of Violation (NOV), a Stop Work Notice, or other shutdown notice issued on the project due to any contractor non-compliance with regulatory permits?  
 No (5 points)       Yes (subtract 1 point)
  - c. Was the tunnel excavation considered “potentially gassy” as defined by OSHA 29 CFR 1926.800 and per Cal OSHA Tunnel Safety Order Subchapter 20?  
 Yes (5 points)       No (0 points)
8. Materials:
- a. Did the project include the installation of slope stabilization and reinforcing geogrid materials?  
 Yes (2 points)       No (0 points)
  - b. Did import materials meet project specifications?  
 Yes (2 points)       No (0 points)
  - c. If “No” to question 7.b, did the contractor request a modification to the specifications for import material?  
 Yes (2 points)       No (0 points)
9. Permitting and Best Management Practices (BMP) Experience:
- a. Did the project site include water bodies and/or streams subject to regulatory permits?  
 Yes (5 points)       None (0 points)
  - b. During performance of the project, were there any National Pollution Discharge Elimination System (NPDES) Permit violations, if any, did the project experience?  
 No violations (5 points)       1 or more violations (subtract 3 points)

**G. Required Attachments and Enclosures**

1. Prequalification Application submittals that do not comply with this Section 5.G. will be deemed non-responsive.
2. The envelope must contain 1 original hard copy of the Prequalification Application and 1 USB Flash Drive containing the Prequalification Application, with all documents in searchable PDF format and Microsoft Word format. Original, signed documents required by paragraphs 3.a.-3.c. are not required to be submitted in Microsoft Word format.
3. The following list is provided for the contractor's convenience and is superseded by any and all listed specific attachment requirements as stated in this Prequalification Questionnaire.
  - a. The latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information, including an Opinion Letter from an Independent CPA. The original Opinion Letter must be submitted.
  - b. Notarized statement from admitted surety company/companies. The original notarized statement must be submitted.
  - c. Notarized statement from the workers' compensation carrier that your organization proposes to use, specifying contractor's current experience modification rating for workers' compensation for the State of California. The original notarized statement must be submitted.
  - d. Project information required pursuant to Section 5. Contractor Prequalification Questionnaire, paragraph F. Comparable Project Experience (question A.1.q.) for PROJECT 1, PROJECT 2, and PROJECT 3.
  - e. Completed and signed Certification provided at Section 5.H. The original Certification must be submitted.
  - f. Completed and signed Affidavit of Compliance with California's Skilled and Trained Workforce Requirements (Public Contract Code §§ 2600–2603) provided in Appendix C. The original signed Affidavit must be submitted.

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**H. Certification**

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the chairman of the board, president or any vice president, and then followed by a second signature by the secretary, assistant secretary, the chief financial officer or assistant treasurer. All persons signing must be authorized to bind the corporation in the matter. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

**Each person signing below makes the following representations under penalty of perjury:**

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated therein are true to the best of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency named herein is hereby authorized to supply the awarding body with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the Santa Clara Valley Water District to contact any or all of the above listed persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.

(SIGNATURES FOLLOW ON NEXT PAGE)

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# Contractor Pre-Qualification Questionnaire Certification

I, \_\_\_\_\_(Name), the undersigned, am the \_\_\_\_\_(Title), with the authority to act for and on behalf of \_\_\_\_\_ (Contractor Entity Name), declare under penalty of perjury under the laws of the State of California that the foregoing information provided in this Prequalification Questionnaire is true, full, and correct.

I understand that making a false statement may result in disqualification from bidding on any public works project, registering as a Public Works Contractor with the Department of Industrial Relations, and may be grounds for termination of a public works contract.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.  
(Date) (Month / Year) (City / State)

Name of Contractor Representative: \_\_\_\_\_

Signature of Contractor Representative: \_\_\_\_\_

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### APPENDIX A Insurance Requirements (For Information Only)

**Please Note: Failure to comply with the instructions below could result in a delay in receiving the Notice to Proceed. The District will not be responsible for time lost or costs incurred due to failure to comply with these requirements. Please note the checklist of documents needed at the end of this Appendix A Insurance Requirements.**

Without limiting the Contractor's indemnification of, or liability to, the Santa Clara Valley Water District ("District" or "Valley Water"), the Contractor must provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions as listed below.

Contractor must provide its insurance broker(s)/agent(s) with a copy of these requirements and warrants that these requirements have been reviewed by Contractor's insurance agent(s) and/or broker(s), who have been instructed by Contractor to procure the insurance coverage required herein.

In addition to certificates, Contractor must furnish District with copies of all original endorsements affecting coverage required by this Appendix. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. **All endorsements and certificates are to be received and approved by District before the Construction Contract is executed.** In the event of a claim or dispute, District has the right to require Contractor's insurer to provide complete, certified copies of all required pertinent insurance policies, including endorsements affecting the coverage required by this Appendix A Insurance Requirements document.

If your insurance broker has any questions about the above requirements, please advise him/her to call Mr. David Cahen, District Risk Manager at (408) 630-2213.

#### **CERTIFICATES OF INSURANCE**

Contractor shall furnish the District with a Certificate of Insurance. The certificates will be issued on a standard ACORD Form.

Contractor shall instruct their insurance broker/agent to submit all insurance certificates and required notices electronically in PDF format to the designated District Contract Administrator and email a copy to [valleywater@ebix.com](mailto:valleywater@ebix.com).

The certificates will:

1. Identify the underwriters, the types of insurance, the insurance limits, the deductibles and the policy term;
2. Include copies of all the actual policy endorsements required herein; and

3. In the “Certificate Holder” box include:

**Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118  
Contract No. C0663**

**IMPORTANT: The Contract number must be included.**

In the Description of Operations/Locations/Vehicles/Special Items Box:

1. Certificate Holder shall be named as Additional Insured;
2. District agreement or project number shall appear;
3. The list of policies scheduled as underlying on the Umbrella policy shall be listed; and
4. Waiver of Subrogation must be indicated as endorsed to all policies.

**If Contractor receives any notice that any of the insurance policies required by this Appendix A Insurance Requirements may be cancelled or coverage reduced for any reason whatsoever, Contractor or insurer shall immediately provide written notice to the designated District Contract Administrator that such insurance policy required by this Appendix A Insurance Requirements is canceled or coverage is reduced.**

### **MAINTENANCE OF INSURANCE**

If Contractor fails to maintain such insurance as is called for herein, District, at its option, may suspend payment for work performed and/or may order Contractor to suspend all Contractor’s work at Contractor’s expense until a new policy of insurance is in effect.

### **RENEWAL OF INSURANCE**

Contractor will provide the District with a current Certificate of Insurance and endorsements within thirty (30) business days from the expiration of insurance.

Contractor shall instruct its insurance broker/agent to:

1. Submit all renewals of insurance certificates and required notices electronically in PDF format to: [valleywater@ebix.com](mailto:valleywater@ebix.com)
2. Provide the following information in the “Certificate Holder” box:

**Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118  
Contract No. C0663**

**IMPORTANT: The Contract number must be included.**

Contractor must, at its sole cost and expense, procure and maintain during the entire period of this Agreement the following insurance coverage(s).

### REQUIRED COVERAGES

1. **Commercial General/Business Liability Insurance** with coverage as indicated:

**\$25,000,000** per occurrence / **\$25,000,000** aggregate limits for bodily injury and property damage.

**\$25,000,000** Products/Completed Operations aggregate (to be maintained for at least three (3) years following acceptance of the work by District.

General Liability insurance must:

- a. Be written on standard ISO forms, or inspected by the District Risk Manager
- b. Include coverage at least as broad as found in standard ISO form CG 0001
- c. Include Premises and Operations
- d. Include Contractual Liability expressly including liability assumed under this contract.
- e. If Contractor will be working within fifty (50) feet of a railroad or light rail operation, any exclusion as to performance of operations within the vicinity of any railroad bridge, trestle, track, roadbed, tunnel, overpass, underpass, or crossway must be deleted, or a railroad protective policy in the above amounts provided
- f. Include Owners and Contractors' Protective liability
- g. Include Severability of Interest
- h. Include Explosion, Collapse and Underground Hazards, (X, C, and U)
- i. Include Broad Form Property Damage liability
- j. Contain no restrictive exclusions (such as but not limited to CG 2153, CG 2144 or CG 2294)

The District reserves the right to require certain restrictive exclusions be removed to ensure compliance with the above.

2. **Business Auto Liability Insurance** with coverage as indicated:

**\$5,000,000** combined single limit for bodily injury and property damage per occurrence, covering all owned, non-owned and hired vehicles.

Excess or Umbrella policies may be used to reach the above limits for the General Liability and/or Business Auto Liability insurance limits, however all such policies must

contain a primacy clause (See Section 2, General Conditions) and meet all other General Conditions below.

### 3. Builders' Risk (Course of Construction) Insurance

Covering all risks of loss, less policy exclusions, for an amount equal to the completed value of the project with no coinsurance penalty provisions.

The Contractor's coverage shall provide the following:

- a. Coverage shall be provided on an "all-risk" or "special forms" basis (including perils of earthquake and flood, unless waived by the District's Risk Manager), including coverage for "soft costs" such as design, engineering, and construction management fees.
- b. Coverage shall be provided on the work and materials which are the subject to this Agreement, whether in process or manufactured or finished, including "in transit" coverage to the final agreed upon destination of delivery, and including loading and unloading operations, and such coverage shall be in force until the work and materials are accepted by the District.
- c. Builder's Risk policy shall name Santa Clara Valley Water District as loss payee and additional insured as its interests may appear at the time of the loss.
- d. Deductible shall not exceed \$25,000 per occurrence and shall be borne by the Contractor, except that higher deductibles for earthquake and flood may be approved by the District's Risk Manager.
- e. Loss, if any, shall be adjustable with and payable to the District as trustees for all entities having an insurable interest, except in cases as may require payment of all or a proportion of such insurance to be made to a mortgagee as its interest may appear.
- f. The insurer shall agree to waive all rights of subrogation against the District.
- g. If the Contractor fails to maintain such insurance as is called for herein, the District, at its option, may order the Contractor to suspend work at Contractor's expense until a new policy of insurance is in effect and on file with the District's project manager.
- h. The policy shall provide Santa Clara Valley Water District the right to occupy the premises without termination of the policy until final acceptance of the project.

### 4. Workers' Compensation and Employer's Liability Insurance

Statutory California Workers' Compensation coverage covering all work to be performed for the District.

Employer Liability coverage for not less than \$1,000,000 per occurrence.

### 5. Surety Bonds

Contractor shall provide the following Surety Bonds:

- a. A bid bond. A written guarantee from a bank or insurer submitted by the Contractor to the District ensuring that, upon acceptance of the bid by the District, the contractor will proceed with the contract.
- b. A performance bond. A written guarantee from a bank or insurer submitted by the Contractor ensuring payment of the contract in case Contractor fails in the full performance of the contract.
- c. A payment bond. Deposit or guarantee backed by a third party that all sums owed by the Contractor to its employees, suppliers, subcontractors and other creditors will be paid on time and in full.

### 6. Pollution Legal Liability

Contractor's Pollution Legal Liability in the amount of \$1,000,000 per occurrence and \$1,000,000 general aggregate limits, including pollution that occurs during transport.

## GENERAL REQUIREMENTS

**With respect to all coverages noted above, the following additional requirements apply:**

1. **Additional Insured Endorsement(s):** Contractor must provide an additional insured endorsement for Commercial General/Business Liability (for both on-going and completed operations) and Business Automobile liability coverage naming the **Santa Clara Valley Water District, its Directors, officers, employees, and agents, individually and collectively**, as additional insureds, and must provide coverage for acts, omissions, etc. arising out of the named insureds' activities and work. Other public entities may also be added to the additional insured endorsement as applicable and the Contractor will be notified of such requirement(s) by the District. **NOTE:** This section does not apply to the Workers' Compensation and Professional Liability policies.

(**NOTE:** Additional insured language on the Certificate of Insurance is **NOT** acceptable without a separate endorsement such as Form CG 20 10, CG 2033, CG 2037, or CG 2038. Editions dated 07/04 are not acceptable.)

2. **Primacy Clause:** Contractor will provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that Contractor's insurance is primary with respect to any other insurance which may be carried by the District, its Directors, its officers, agents and employees, and the District's coverage must not be called upon to contribute or share in the loss. **NOTE:** This section does not apply to the Workers' Compensation policies.
3. **Cancellation Clause:** Contractor will provide endorsements for all policies stating that the policy will not be cancelled without 30 days prior notification to the District.

4. **Acceptability of Insurers:** All coverages, including required bonds, must be issued by companies admitted to conduct business in the State of California, which hold a current policy holder's alphabetic and financial size category rating of not less than A, V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the District's Risk Manager. Non-Admitted companies may be substituted on a very limited basis at the Risk Manager's sole discretion
5. **Self-Insured Retentions or Deductibles:** Any deductibles or self-insured retentions must be declared to and approved by the District. At the option of the District, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the District, its officers, officials, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the Entity guaranteeing payment of losses and related investigations, claim administration, and defense expenses. Contractor agrees that in the event of a claim they will pay down any agreed upon SIR in a prompt manner as soon as bills are incurred in order to trigger the insurance related to the SIR.
6. **Subcontractors:** The Contractor shall secure and maintain or shall be responsible for ensuring that all subcontractors performing the Contract Services secure and maintain all insurance coverages appropriate to their tier and scope of work in a form and from insurance companies reasonably acceptable to the District.
7. **Amount of Liability not Limited to Amount of Insurance:** The insurance procured by Contractor for the benefit of the District must not be deemed to release or limit any liability of Contractor. Damages recoverable by the District for any liability of Contractor must, in any event, not be limited by the amount of the required insurance coverage.
8. **Coverage to be Occurrence Based:** Except for Professional Liability, all coverage must be occurrence-based coverage. Claims-made coverage is not allowed.
9. **Waiver of Subrogation:** Contractor agrees to waive subrogation against the District to the extent any loss suffered by Contractor is covered by any Commercial General Liability policy, Automobile policy, Workers' Compensation policy described in **Required Coverages** above. Contractor agrees to advise its broker/agent/insurer and agrees to provide evidence (either through the Certificate of Insurance, endorsement or language in the insurance contract) that subrogation has been waived by its insurer.
10. **Non-compliance:** The District reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

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### CHECK LIST OF DOCUMENTS NEEDED

<b>General Liability:</b>	A.	Limits <b>(\$25,000,000)</b>	
	B.	Additional Insured (Endorsement)	
	C.	Waiver of Subrogation (COI, Endorsement or policy language)	
	D.	Primacy (COI, Endorsement or policy language)	
	E.	Cancellation Endorsement	

<b>Auto Liability:</b>	A.	Limits <b>(\$5,000,000)</b>	
	B.	Additional Insured (Endorsement)	
	C.	Waiver of Subrogation (COI, Endorsement or policy language)	
	D.	Primacy (COI, Endorsement or policy language)	
	E.	Cancellation Endorsement	

<b>Umbrella:</b>	A.	Limits (\$)	
	B.	Primacy (Endorsement or policy language)	

<b>Workers Comp:</b>	A.	Limits <b>(\$1,000,000)</b>	
	B.	Waiver of Subrogation (Endorsement or policy language)	
	C.	Cancellation Endorsement	

<b>Surety Bonds:</b>	A.	Bid Bond	
	B.	Performance Bond	
	C.	Payment Bond	

<b>Professional Liability:</b>	A.	Limits <b>(\$5,000,000)</b>	
	B.	Cancellation Endorsement	

<b>Pollution Legal Liability:</b>	A.	Limits <b>(\$1,000,000)</b>	
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## APPENDIX B Scoring Worksheet

### PARAGRAPH D. PRE-QUALIFICATION CRITERIA QUESTIONS AND SCORING

Question Number	Factor #1 - Points	Factor #2 - Points	Multiplying Factor	Total Points
1			x2	
2			x2	
3			x2	
4			x1	
5			x2	
6			x2	
7			1	
8			x2	
9			x1	
10			x2	
11			x2	
12			x2	
13			x1	
14			x1	
15			x2	
16			x2	
17			x2	
18			x2	
19			x1	
20			x2	
21			x1	
Total			=	

**Factor #1:**

Whether the incident was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of the Contractor or Subcontractor.

**Factor #2:**

Whether the Contractor or Subcontractor has a prior history, or several incidents are reported.

**Questions Type:**

14 Red Flag Questions (x2)

7 Non-Red Flag Questions (x1)

**Notes:** The awarding body will review additional documents provided by the Contractor in response to the questions in Section 5. Paragraphs D. Prequalification Criteria Questions to calculate a final score using the two factors listed above. A score on a scale of 1 to 5 is assigned to each factor.

**Factor #1:** A score of 1 is assigned where the incident is clearly the result of a good-faith mistake, and a score of 5 is assigned where the incident is clearly an overtly willful action for which the Contractor is culpable.

**Factor #2:** A score of 1 is assigned where only a single incident exists, and a score of 5 is assigned where five or more incidents of that kind are reported.

1. A Contractor is **PRE-QUALIFIED** if the total score above is: 35 points or LESS.
2. A Contractor is **DISQUALIFIED** if the total score above is: GREATER THAN 35 points.

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**APPENDIX C**

**Affidavit of Compliance with California’s Skilled and Trained Workforce Requirements (Public Contract Code §§ 2600–2603)**

The undersigned, being duly sworn, states:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company: \_\_\_\_\_

**Project:** Anderson Dam Tunnel Project, an element of the FERC Order Compliance Project.

I have authority to bind Company to the following representations.

Company hereby commits that, if awarded the contract for the Project, Company shall use, and shall cause its subcontractors at all tiers, a skilled and trained workforce to perform all work on the Project, or contract for the Project, that falls within an apprenticeable occupation in the building and construction trades, in compliance with the California Skilled and Trained Workforce Requirements, Public Contract Code Chapter 2.9 (commencing with Section 2600), on the Project.

Company will review the labor practices and the labor records for Company, and subcontractors, on the Project to ensure subcontractors have employed the required amount of skilled journeypersons and apprenticeship graduates on the Project as required by the California Skilled and Trained Workforce Requirements pursuant to California Public Contract Code Section 2601 and otherwise have met the requirements of California Public Contract Code Sections 2600-2603.

Company will also review the labor practices and the labor records of each of the Company’s subcontractor’s subcontractors on the Project to ensure that each of subcontractor’s subcontractors have employed the required amount of skilled journeypersons and apprenticeship graduates on the Project as required by the California Skilled and Trained Workforce Requirements pursuant to California Public Contract Code Section 2601 and otherwise have met the requirements of California Public Contract Code Sections 2600-2603. Contractor’s subcontractor’s subcontractors must provide subcontractor with an affidavit that complies with Public Contract Code Section 2603, subdivision (f)(4).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this affidavit was executed on \_\_\_\_\_ [date] in \_\_\_\_\_ [location (city and state; or, if outside the United States, city and country)].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Anderson Dam Tunnel Project



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### APPENDIX D – CALCULATING A BIDDER’S BEST VALUE SCORE

Valley Water will use the following process to calculate each bidder’s best value score.

1. Each bidder’s best value score will be the quotient of the bidder’s proposed price divided by the bidder’s “qualifications score.” Valley Water intends to select the responsible bidder with the lowest best value score.
2. Each bidder’s “qualifications score” will be derived from its scores from the “Quality of Performance” and “Comparable Project Experience” sections of the Prequalification Application. Note that Valley Water will not have access to a bidder’s price proposal until after calculating the bidder’s qualifications score.
3. As described in Section 5.E. Quality of Performance, each bidder will receive at least 2 interview scores, referred to below as QOP1 and QOP2, respectively. Joint ventures submitting additional projects for multiple members will have additional scores, which will be included in the overall average in Step 1 below.
4. As described in Section 5.F. Comparable Project Experience, each bidder will receive at least 3 project scores, referred to below as CPE1, CPE2, and CPE3, respectively. Joint ventures submitting additional projects for multiple members will have additional scores, which will be included in the overall average in Step 1 below.
5. Calculating each bidder’s qualifications score requires 4 steps:

**Step 1.** Determine the raw QOP and CPE scores by averaging the scores on each section, as shown for a single-entity bidder in the following equations:

$$QOP_{Raw} = \frac{QOP1 + QOP2}{2}$$

$$CPE_{Raw} = \frac{CPE1 + CPE2 + CPE3}{3}$$

**Step 2.** Normalize the  $QOP_{Raw}$  and  $CPE_{Raw}$  scores by a qualifications weight, where the qualifications weight is 0.4, as shown in the following equations:

$$QOP_N = \left( \frac{QOP_{Raw}}{120} \right) * (Q_{Weight} * 100)$$

$$CPE_N = \left( \frac{CPE_{Raw}}{85} \right) * (Q_{Weight} * 100)$$

**Step 3.** Sum the  $QOP_N$  and  $CPE_N$  scores, with the  $CPE_N$  score receiving a 60% weight, as shown in the following equation:

$$Prequalification\ Score = PQ = (QOP_N * 0.4) + (CPE_N * 0.6)$$

**Step 4.** Weight the Prequalification Score (the Qualifications Score).

$$Qualifications\ Score = Q = ((1 - Q_{weight}) * 100) + PQ$$

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