November 16, 2018

NO. CZ19-0673-42 – REQUEST FOR SEALED PROPOSALS (RFP) FOR DESIGN BUILD CONSTRUCTION OF HEATING, VENTILATION AND AIR CONDITIONING (HVAC) AT MULTIPLE DISTRICT SITES

DEADLINE DATE: January 16, 2019.

ADDENDUM TO RFP NO. 1

Please note the following revisions for the above referenced RFP:

Changes made by the District:

1. Revisions to the RFP
   a. Schedule. Replace with new.
   b. General Information. Replace with new.
      i. 1.4 Subcontractor’s Prequalification (Non-MEP and MEP)
      ii. 1.5 Designated Subcontractors list
      iii. 1.6 Disabled Veteran Business Enterprise Participation Program
      iv. 1.7 Project Stabilization Agreement
   c. Proposal Submittal Method.
2. Revisions to Exhibit A Scope of Work. Replace page 1.
3. New Attachment No. 6 District’s Subcontractor Prequalification Application
4. Revisions to Exhibit H. Replace page 1.
   a. (Note: Full Document list will be available in Addendum 2 at a later date).
      i. RFP Attachment No. 4 Removed Not Used
      ii. Added Attachment No. 6 District’s Subcontractor Prequalification Application

Changes made by the AOR:

1. None.

Revisions have been bolded, italicized, or struck through. Please include this addendum in your original RFP documents and acknowledge receipt accordingly on your firm’s Proposal. If you have questions regarding this RFP or the revisions, please contact me at (858) 522-5830.

Sincerely,

Ashley Mains
Contracts Specialist
SAN DIEGO UNIFIED SCHOOL DISTRICT
STRATEGIC SOURCING AND CONTRACTS DEPARTMENT
2351 CARDINAL LANE, BLDG. M
SAN DIEGO, CA 92123

NO. CZ19-0673-42

FOR DESIGN-BUILD CONSTRUCTION OF
HEATING, VENTILATION AND AIR CONDITIONING (HVAC) AT MULTIPLE
DISTRICT SITES
TABLE OF CONTENTS

1. GENERAL INFORMATION ..............................................................................................3
2. INTRODUCTION ............................................................................................................4
3. RFP DOCUMENTS .........................................................................................................5
4. DISTRICT GOALS ..........................................................................................................5
5. PROPOSAL SUBMITTAL METHOD ...............................................................................5
6. CONE OF SILENCE ......................................................................................................6
7. PROPOSER REPRESENTATIONS ..................................................................................6
8. PROPOSAL CONTENT REQUIREMENTS .......................................................................8
9. OWNERSHIP, COPYRIGHT, CONFIDENTIALITY AND DISCLOSURE ....................10
10. METHOD OF EVALUATION .......................................................................................12
11. INTERVIEWS ...............................................................................................................12
12. NEGOTIATIONS ...........................................................................................................13
13. DISTRICT RIGHTS .......................................................................................................13
14. CONTRACT EXECUTION PROCESS .........................................................................14
15. SPECIAL PERFORMANCE REQUIREMENTS ...........................................................14
REQUEST FOR PROPOSALS
FOR DESIGN-BUILD CONSTRUCTION OF
HEATING, VENTILATION AND AIR CONDITIONING (HVAC)
AT MULTIPLE DISTRICT SITES

1. GENERAL INFORMATION

1.1 Address for Submittals
San Diego Unified School District ("SDUSD" or the "District")
Strategic Sourcing and Contracts
2351 Cardinal Lane, Building M
San Diego, CA 92123
Phone: 858-522-5830
Email: amains@sandi.net
Attn: Ashley Mains

1.2 RFP Schedule, Subject to change without notice

<table>
<thead>
<tr>
<th>RFP Schedule and Deadlines</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release RFP</td>
<td>November 14, 2018</td>
</tr>
<tr>
<td>Mandatory Site Walk</td>
<td>9:00 AM PST November 16, 2018</td>
</tr>
<tr>
<td>Deadline for Questions (RFI’s)</td>
<td>2:00 PM PST, January 07, 2019</td>
</tr>
<tr>
<td>Deadline for MEP and Non-MEP Subcontractors to Submit Prequalification Application</td>
<td>2:00 PM PST, January 07, 2019</td>
</tr>
<tr>
<td>District to Provide List of Prequalified Subcontractors</td>
<td>January 11, 2019</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>2:00 PM PST, January 16, 2019</td>
</tr>
<tr>
<td>Selection of Design Build Entities (DBEs) as proposer</td>
<td>January 24, 2019</td>
</tr>
<tr>
<td>Final Negotiations Completed</td>
<td>January 30, 2019</td>
</tr>
<tr>
<td>Award of Contracts by Board of Education</td>
<td>February 26, 2019</td>
</tr>
<tr>
<td>Issue NTP’s for Design (by site)</td>
<td>February 28, 2019</td>
</tr>
<tr>
<td>Issue NTP’s for Construction (by site)</td>
<td>April 2, 2019</td>
</tr>
</tbody>
</table>

1.3 SITE VISITS

1.3.1 Mandatory Site Visits: Meet at the main office of School No.1 at 9:00 AM PST, November 16, 2018. Mandatory Site Visit to School No. 2 will immediately follow.

1.3.1.1 School No. 1: Ross Elementary School, 7470 Bagdad St, San Diego, CA 92111
This school has recently completed HVAC improvements.

1.3.1.2 School No. 2: Madison High School, 4833 Doliva Dr, San Diego, CA 92117
This school is listed in Package C of this RFP for proposed HVAC improvements.

1.3.2 Optional Site Visits: After the mandatory site visit, DBEs are encouraged to visit each site listed in this RFP. Site visits must be completed no later 01/07/2019. Each DBE is required to contact the District Project Manager listed below to coordinate the site visits.

RFP-3
1.3.2.1 DBEs may be issued school site master keys, including gate keys, only upon written authorization from the District. DBEs will be required to sign the District’s Master Key Responsibility Agreement Form, Exhibit F.

1.3.2.2 If site visits occur after school hours, DBEs will be required to contact the school police and follow the school police procedures, Exhibit G when visiting the campus. The campus police phone number can be found on the District’s Master Key Responsibility Agreement Form.

1.4 SUBCONTRACTOR’S PREQUALIFICATION (NON-MEP AND MEP)

1.4.1 Every subcontractor to the Contractor seeking to perform work valued at more than one-half of one percent (1/2 of 1%) of the value of the Contract is required to meet the minimum criteria as outlined herein. Each non-MEP subcontractor shall complete the form that is attached to this RFP as Attachment No. 6 (“NON-MEP SUBCONTRACTOR’S PREQUALIFICATION FORM”). In addition, if components of the Project will be performed by mechanical, electrical, or plumbing (“MEP”) subcontractors regardless of value of their work, then each of those MEP subcontractors with the following license classifications that intend to propose as a subcontractor performing work under one or more of the following license classifications, is required to have been prequalified by the District: C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46. Every MEP subcontractor performing in the respective trade must be prequalified by submitting the application that is attached to this RFP as Attachment No. 2, to the District no later than the date indicated in the RFP Schedule.

1.5 DESIGNATED SUBCONTRACTORS LIST

1.5.1 Contractors must submit one copy with the Proposal a Designated Subcontractors List attached hereto as Attachment No. 2 (“DESIGNATED DVBE/SDVOB PARTICIPATION DOCUMENTATION AND DESIGNATED SUBCONTRACTORS LIST”) for those subcontractors that will perform Services in excess of ½ of 1% of the GMP for any portion of the Project, including labor, rendering of service, or specially fabricating and installing a portion of the Project or improvement. Failure to submit this list when required shall result in the Proposal being deemed non-responsive or incomplete and the Proposal will not be considered. The identified subcontractors shall be afforded the protections of the Subletting and Subcontracting Fair Practices Act. (Public Contract Code § 4100, et seq.) See also Section 1.12 of this RFP.

1.6 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION PROGRAM

1.6.1 Pursuant to Resolution In Support of Service Disabled Veterans Owned Businesses (SDVOB) and Disabled Veteran Business Enterprises (DVBE) approved on May 10, 2011 by the Board of Education, the San Diego Unified School District has replaced the good faith effort with a mandatory requirement of 3% for DVBE participation in all District construction bids/RFPs, regardless of size. In order to be responsive, the successful Contractor must meet or exceed 3% DVBE participation either directly
through the General Contractor or a first tier subcontractor or supplier as evidenced by DVBE/SDVOB Contractor Declaration and Contractor’s DVBE Statement forms submitted at time of proposal. The failure of any Contractor to strictly comply with the District’s DVBE Participation Program Policy will result in rejection of a Contractor’s Proposal for non-responsiveness or incompleteness.

All Contractors will be required to submit a complete DVBE/SDVOB Contractor Declaration and Contractor’s DVBE Statement that are attached to this RFP as Attachment No. 3 (“DESIGNATED DVBE/SDVOB PARTICIPATION DOCUMENTATION AND DESIGNATED SUBCONTRACTORS LIST”), including the subcontractor/supplier’s full address and contact information and work to be performed or supplies to be provided, at time of submitting its Proposal. See also Section 2.10 of this RFP.

DVBEs need to have a current and valid certification from the State of California Department of General Services. SDVOBs need to have a current and valid verification letter from the Department of Veteran’s Affairs Center for Veterans Enterprise; self-representation will not be accepted. DVBE eligibility is a two-year period and must be renewed annually. SDVOB eligibility is a three-year period. Eligibility must be current at time of submitted Proposal and contract award.

1.7 PROJECT STABILIZATION AGREEMENT (PSA)

1.7.1 This project is subject to the Project Stabilization Agreement (PSA) adopted by the Board of Education on July 28, 2009 and as subsequently amended. The complete agreement is available for viewing and downloading at www.sandiegounified.org/node/1097. The successful Contractor (and all Subcontractors) will be required to execute a PSA Letter of Assent (LOA), whereby Contractor and Subcontractors agree to conform to all terms and conditions set forth in the PSA.

2. INTRODUCTION

2.1 The District is requesting proposals to design and construct various HVAC systems for twenty (20) school sites utilizing the design-build procurement method permitted under California Education Code Section 17250.10 et. seq. (Education Code 17250).

2.2 DBEs prequalified by Request for Qualifications (RFQ PS19-0235-29) process, will each be considered for one or more of the four packages of schools listed below.

2.3 DBEs are requested to use the SDUSD Design Guide and Performance Criteria for HVAC Design Build, Exhibit C, standard specifications, and school specific bridging documents, to prepare proposals for the twenty (20) different school sites and four packages of schools as shown below.

2.4 The four packages of schools with the Architect’s Professional Estimate inclusive of all design and construction cost are as follows:

Package A – Architect’s Professional Estimate: $20 Million:
Bird Rock Elementary School
La Jolla Elementary School
Muirlands Middle School
Pacific Beach Elementary School
Sessions Elementary School
Torrey Pines Elementary School

Package B – Architect’s Professional Estimate: $16 Million:
Barnard Elementary School
Alcott Elementary School
Cadman Elementary School
Challenger Middle School
Field Elementary School

Package C – Architect’s Professional Estimate: $16 Million:
Hawthorne Elementary School
Sequoia Elementary School
Madison High School

Package D – Architect's Professional Estimate: $15 Million:
Chavez Elementary School
Jefferson Elementary School
Kimbrough Elementary School
Perkins Elementary School
Roosevelt Middle School
Rowan Elementary School

3. RFP DOCUMENTS:

3.1 Documents for this RFP are available on a District managed FTP site and may be accessed by DBEs using the following URL:
https://fpcprojects.sandi.net/hvacrfp/_layouts/15/start.aspx#/ 

3.2 A complete list of RFP Documents available on the District’s FTP site is attached as Exhibit H.

4. DISTRICT GOALS

4.1 DBEs are required to submit their best proposals and offers to demonstrate how they will meet or exceed the District’s goals for all of the projects.

4.1.1 Cost. Achieve cost containment. Control costs through integration, collaboration, and innovative design and construction solutions.

4.1.2 Design. Achieve truly excellent design with integrated construction project management to deliver innovative solutions that meet the budget, schedule, and performance criteria.

4.1.3 Schedule. Achieve time savings by effective coordination and utilization of time-saving construction methods. The District’s construction schedule goals are to start construction on all schools no later than the third quarter of 2019, to have as many schools as possible in construction concurrently, and to complete all construction as quickly as possible.
4.1.4 School Operations. Manage projects to allow the schools to be fully operational during construction. Consideration must be given to all the major logistical factors such as school operations, school events, construction phasing, labor and materials availability, site conditions, weather conditions, coordination with utility providers, neighborhood impacts, and any other factors impacting DBE’s ability to meet the construction schedule goals.

5. PROPOSAL SUBMITTAL METHOD

5.1 At Time of Proposal Submission. Must be received by the respective dates indicated in the RFP schedule with one (1) original in a 3-ring binder, one (1) Copy of Subcontractors List (Attachment 2) and DVBE Document (Attachment 3), plus one (1) copy of Summary Price Proposal Form, Attachment 1 in a sealed envelope and four (4) copies of requested materials as well as two (2) electronic copies in PDF format with Bookmarks on a flash drive to: San Diego Unified School District, 2351 Cardinal Lane, Building M, San Diego, CA 92123, Attn: Ashley Mains, Contracts Specialist, Construction.

5.2 24 Hours after Proposal Submission. The following documents are to be submitted within 24 hours of the proposal deadline: PDF Completed Detailed Price Proposal Form, Attachment 1, Completed Subcontractor Listing Attachment 2, Completed DVBE Bidders Declarations, Attachment 3 and one (1) electronic copy on a flash drive of the Completed Detailed Price Proposal Form (Excel Document). Electronically transmitted Design-Builder Proposals or Offers will not be considered.

6. CONE OF SILENCE

6.1 Unauthorized Communications or "Cone of Silence". Each DBE is prohibited from discussing this RFP and the Projects with any member of the selection panel, the Board of Education or their staff. Any such contact may be grounds for disqualification. Each DBE shall maintain the "Cone of Silence" as described below:

6.1.1 Each DBE shall maintain a Cone of Silence during required times of the contracting process to ensure that the process is shielded from even the appearance of undue influence. Each DBE its representatives risk disqualification, if it engages in prohibited communication during the restricted period(s)

6.1.2 Competitive Contracting Process - To ensure a level playing field with an open and uniform competitive contracting process, each DBE and its Representatives must maintain a Cone of Silence from the time when a Request for Proposal (RFP), Request for Qualification (RFQ), or any other solicitation release is announced until the time a contract award recommendation to the Board of Educations is made public. During the time under the Cone of Silence, each DBE and its representatives are prohibited from making any contact on any part of a proposal, negotiation or contract with any SDUSD official as this could appear to be an attempt to curry favor or influence. An "SDUSD official" is broadly defined to include any board member, employee, consultant or advisory member of SDUSD who is involved in making recommendations or decisions for SDUSD.

6.2 Exceptions - The following are exceptions to the Cone of Silence:

6.2.1 Open and uniform communications which are made as part of the procurement process such as the pre-proposal meetings or other exchanges of information which are given to all DBEs;
6.2.2 Interviews or presentations to selection panel members which are part of the procurement process;

6.2.3 Clarification requests made in writing, under the terms expressly allowed for in an SDUSD contracting document, to the appropriate designated contract official(s);

6.2.4 Negotiations with SDUSD’s designated negotiation team members;

6.2.5 Requests for technical assistance approved by SDUSD contract officials (for example questions relating to SDUSD’s Small Business Enterprise Program, or requests for formal guidance on ethics matters from the Ethics Office).

7. PROPOSER REPRESENTATIONS

7.1 Each DBE makes the following representations, relative to its submission of its Proposal and its Offer:

7.1.1 Compliance with RFQ Documents

7.1.1.1 DBE represents that its Proposal and its Offer are consistent with, and do not materially differ from, the submissions and representations made by DBE in response to the RFQ.

7.1.2 Compliance with RFP Documents

7.1.2.1 DBE represents that its Proposal and its Offer are made in compliance with the RFP Documents including any Addenda issued by District.

7.1.3 Due Authorization

7.1.3.1 DBE represents that the signatory(ies) of the Proposal, Project Cost, Agreement to Prepare and Submit Proposal and any other documents submitted on behalf of the DBE to the District is/are authorized to do so on behalf of the DBE as a corporation duly incorporated under Applicable Laws and is authorized to do business in, and is in good standing under, the laws of the State of California.

7.1.4 Review of Site and Site Information

7.1.4.1 Each DBE represents that it and each member of its Design-Build Team has carefully and thoroughly inspected: (1) the Site and its surroundings, Existing Improvements and their existing uses by the District, routes of ingress and egress, and local conditions in the vicinity of the Site (including, without limitation, sources and availability of supervision, labor, inspection, testing, start-up, material, equipment, machinery, temporary utilities and other temporary facilities and other resources required for the project); (2) the status of any construction at the Site under construction at the time of submission of the Design-Build Proposal; (3) all Reference Documents listed in Attachments attached hereto; and (4) all other reports, surveys, test data, as-built drawings and other information concerning visible and concealed conditions (including, without limitation, locations and capacities of utility sources and locations of utility lines) above and below the surface of the ground or in Existing Improvements that (a) DBE is informed are available for review or (b) are disclosed by public records,
in order to fully acquaint itself with all of the conditions, restrictions, obstructions, difficulties and other matters which might affect the DBE's ability to complete the design and construction of the Work in accordance with the requirements of the RFP Documents and its Design-Builder Proposal. DBE is responsible for verifying that all information has been provided.

7.1.4.2 DBE represents that it is aware that the two sites listed below are Formerly Used Defense (FUDS) Sites and may have Unexploded ordnance (UXO), or Discarded Military Munitions (DMM):

a. Madison High School
b. Sequoia Elementary School

7.1.4.3 DBE represents that it is aware that it will be required to follow the Munitions Response Plan (included in Bridging Documents) when doing work that includes ground disturbance (e.g.; trenching, excavation for concrete pads, digging dry wells, etc.). Prior to the start of ground disturbing activities, the District will arrange for an unexploded ordnance (UXO) awareness briefing to be conducted for all District staff and contractors who will be involved in any ground disturbance. The District will provide an UXO consultant as may be required by the Munitions Response Plan.

7.2 District Architect’s Professional Services Manual

7.2.1 DBE represents that it has carefully reviewed the District Architects Professional Services Manual attached hereto as Exhibit D, and that the requirements thereof are satisfactory. DBE is to identify in its proposal any qualifications or exceptions to the District Architect’s Professional Services Manual at the time of proposal submission.

7.3 Design-Build Contract

7.3.1 DBE represents that it has carefully reviewed the terms and conditions of the Design-Build Contract, General Conditions and Supplemental Conditions attached hereto as Exhibit B, and that the terms and conditions thereof are satisfactory to and are a fair and reasonable allocation and sharing of risks and responsibilities between the District and the DBE. Accordingly the DBE represents that it has incorporated risk and responsibility into its proposal and price. DBE is to identify in its proposal any qualifications or exceptions to the Design-Build Contract and General Conditions at the time of proposal submission.

8. PROPOSAL CONTENT REQUIREMENTS

Each proposal at a minimum should contain the following:

8.1 Design Approach & Life Cycle Cost Analysis

8.1.1 Provide a narrative, clearly describing DBE’s design approach for each school including all proposed changes to current Bridging Documents, and the benefits to the District resulting from the recommended design approach.
8.1.2 Identify for each school, any additional as-built information not already provided in the Bridging Documents DBE may require to complete its design work.

8.1.3 Describe the HVAC systems being proposed by the DBE. Include a Life-Cycle Cost analysis for the systems being proposed, whether DBE is proposing to specify the systems listed in the Bridging Documents or other systems.

8.1.3.1 Life Cycle Cost Analysis. DBE shall prepare a Life Cycle Cost Analysis (LCCA) evaluation and report per the following methodology:

A. LCCA shall be developed for a study period of 20 years.
B. Develop and incorporate relevant system related costs to include but not limited to: initial costs; energy fuel costs; operation, maintenance, and repair costs; replacement costs.
C. LCCA shall include current-dollar analyses to reflect the anticipated rate of inflation.
D. Energy fuel costs shall be developed by use of EnergyPro modeling software to include specific school site yearly operating schedule profiles.
E. Present LCCA report for District review and approval.

8.1.4 Describe proposed screening solutions including extent, locations, sizes, materials, methods of attachment, & finishes for each school. Provide sketches as needed to fully convey the design solution(s) being proposed.

8.1.5 Describe DBE’s plan for site investigation & constructability review.

8.1.6 Describe DBE’s plan for regulatory compliance for each school considering current level of regulatory review and DBE’s proposed design changes.

8.1.7 Provide a Design & Pre-Construction Services schedule for each school and package of schools.

8.1.8 Provide key milestone dates assuming a Design & Pre-Construction Services NTP is issued by March 1, 2019

8.1.9 Describe DBE’s plan & capacity to advance the Design & Pre-Construction Services of multiple projects concurrently.

8.1.10 Describe impact to DBE’s proposed schedules in the event DBE is awarded more than one package of schools, up to, and including the DBE being awarded all four packages of schools.

8.1.11 Describe any Value Added Services DBE is proposing to provide.

8.2 Contract Price

8.2.1 Provide a Guaranteed Maximum Price (GMP) per school and per package of schools as follows:

8.2.1.1 Design and Preconstruction Phase I. Use the attached Design Build Pricing Forms for each school (an Excel file, Attachment 1) to list separately DBE’s price for Design & Pre-Construction services as described in Exhibit A, Scope of Work.
   a. Include allowances for utility location, hazmat testing, and any other potential Specialized Services that may be required during
this phase of work. Design Allowances are to be validated during
the negotiation period and adjusted by the District prior to award.

b. Provide an Add Alternate price for the design of screening for
existing HVAC equipment and rooftop ducts as may be needed
(see attached SDUSD Design Guide and Performance Criteria
for HVAC Design Build, Exhibit C).

8.2.1.2 Construction Phase II. Use the attached Design Build Pricing Forms for
each school (an Excel file, Attachment 1) to list separately DBE’s price
for Construction as described above Exhibit A, Scope of Work. List all
major cost as directed in the Design Build Pricing Template. All costs
and line items must be included even if they do not apply or amount to
zero.

a. Do not include allowances for bonds, hazmat abatement, or
unforeseen scope that may be required during this phase of
work. The District will add these allowances to each package
prior to award. The Allowance amounts will be determined by the
District during the negotiation period.

b. Provide an Add Alternate price for the design and construction of
screening for existing HVAC equipment and rooftop ducts as
may be needed (see Exhibit C SDUSD Design Guide and
Performance Criteria for HVAC Design Build).

c. Provide an Add Alternate price for the design and construction of
HVAC equipment with enhanced filtration at Perkins ES (see
Bridging Documents for Perkins ES).

d. DBE is not to use the District Standard Estimating Template
(Exhibit E) to provide RFP pricing, however, use of the standard
format including detailed pricing and coding will be required after
design is completed and before construction begins.

8.2.4 Provide required pricing submittal forms per school and per package. Provide a
PDF of DBE’s pricing for each school and a PDF of the DB Package Summary
Forms showing DBE’s total price for each package. Provide a completed,
original, unlocked, Design Build Pricing Template Excel file showing DBE’s
complete pricing for each school and package.

8.3 Construction Management Plan

8.3.1 Provide the names for all key positions of the DBE’s construction team to be
assigned to each school. DBE team members must be the same members
proposed in the RFQ. Identify any change or substitution from the team listed in
response to the RFQ.

8.3.2 Provide a Phasing Plan describing how DBE plans to phase the work at each
school so as to achieve the District’s goals outlined in the RFQ and RFP.

8.3.3 Describe the proposed working hours for completing the work at each school.

8.3.4 Describe how DBE will coordinate with each school site to achieve the project
goals outlined in the RFQ and RFP.

8.3.5 Describe the DBE’s Safety Plan for each school.

8.4 Project Schedule for Each School and/or Package of Schools
8.4.1 Provide key milestone dates for all schools and each package of schools assuming a Design NTP is issued by March 1, 2019.

8.4.2 Describe DBE’s plan and capacity to construct multiple school projects concurrently.

8.4.3 Discuss how DBE would manage multiple school packages concurrently in the event DBE is awarded more than one package of schools, up to, and including the DBE being awarded all four packages of schools.

9. OWNERSHIP, COPYRIGHT, CONFIDENTIALITY AND DISCLOSURE

9.1 Ownership, Copyright.

9.1.1 Design approaches, design details, construction techniques, procedures, means and methods and other technical design and construction information contained within a DBE’s Proposal or Offer shall be deemed the sole and exclusive property of the District, all copyrights thereto shall be deemed assigned to and held by the District, and the Proposer shall retain no property, copyright or other proprietary rights with respect thereto unless portions of the materials are designated as proprietary at the time of submittal, and are specifically requested to be returned; provided, however, that: (1) nothing herein shall be interpreted as prohibiting or limiting the right of a DBE that does not receive the Award of the Design-Build Contract to (a) copy, use or incorporate such technical design information contained within its Proposal or Offer for its own use in connection the conduct of its business, trade or profession, and/or (b) assign, grant or transfer to any third person or entity (for profit or otherwise) the right to copy or use such technical design information for any purpose; and (2) with respect to the DBE who receives the Award of the Design-Build Contract, such DBE’s rights and obligations with respect to copying, use or incorporation of such technical design information in any projects, structures or work other than the Project shall be governed solely by the terms of the Contract Documents. The District’s rights hereunder include, without limitation, the right after Award of the Design-Build Contract to incorporate into its design for the Project any of the building designs, design approaches, design details, construction techniques, procedures, means and methods and other technical design and construction information contained in any DBE’s Proposal or Offer.

9.2 Confidentiality of Proprietary Information & Indemnity.

9.2.1 “Proprietary Information”, as that term is used in this section, means and is limited to (in lieu of any other definitions applicable to proprietary information or trade secrets that may exist under Applicable Laws) technical information in the form of design details, construction techniques, procedures, means and methods and other technical design and construction information that: (1) is patented; or (2) is a trade secret under civil code section 3426 et seq.; or (3) is (a) only known to those persons within the DBE’s company for whom such technical information is confided, and (b) has unique or special qualities (including, without limitation, a unique or special assembly) not generally known in the construction industry among competing contractors designing or constructing structures of the type proposed for the Project; provided, however, that the DBE has clearly and completely marked and identified such information with the words “PROPRIETARY INFORMATION” wherever and everywhere it appears in the DBE’s Proposal and its Offer. Building designs and similar aesthetic elements of a design that are displayed in the DBE’s model submitted as part of its Proposal shall not, under any circumstances, constitute Proprietary Information and may
be disclosed and displayed by the District (including, without limitation, to the public) at any time, without prior notice to or consent of the DBE.

9.2.2. By submitting a proposal with portions marked proprietary, the DBE represents that it has a reasonable and good faith belief that such material is exempt from the California Public Records Act and agrees to indemnify, defend, and hold harmless the District, its board of trustees, officers, agents, and employees from and against any and all claims, losses, damages, liabilities, lawsuits, judgments, fines, penalties, attorney’s fees, costs, and expenses of any nature whatsoever arising from or relating to the District’s non-disclosure of such designated portions of an RFP proposal if disclosure is deemed required by law in the opinion of District legal counsel or is required by a court order. Neither this document, nor any submittals provided in response to the RFP, requires the District to negotiate or award an agreement with any responding firm or individual.

9.2.3 All proposals sent to the District prior to recommendation for Board award or actual award of contract, under certain circumstances, are sent as confidential documents. No part of the responses will be made public or shown to any persons outside of the District and its screening and selection panels until after a recommendation for award has been made to the District’s Board of Education, or until after actual award of contract under certain circumstances, at which time all documents will be public record.

9.5 Non-Transferability.

9.5.1 DBE’s Proposals and Offers are non-transferable.

10. METHOD OF EVALUATION

10.1 Best Value

10.1.1 The DBE will be selected based on the “best value” as determined by the District based on the Proposals received in response to this RFP. Best value selection will be based on the criteria deemed appropriate by the District including Design Approach, Life-Cycle Costs, Contract Price, Construction Management Plan, and Schedule. (Education Code § 17250.15.)

10.2 RFP Selection Committee

10.2.1 The RFP selection committee will conduct: (1) evaluation, scoring and ranking of the DBE’s Proposals and Offers; (2) discussions and interviews; (3) negotiations; and (4) recommendations for selection of the successful DBE to receive the Award of the Design-Build Contract for each package of schools.

10.3 Evaluation Criteria & Point Values

10.3.1 After Proposals are received, they will be evaluated based on the following criteria and consistent with Education Code § 17250.25:

<table>
<thead>
<tr>
<th>RFP Section Reference</th>
<th>Evaluation Criteria</th>
<th>Point Values (100 Maximum)</th>
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<tbody>
<tr>
<td>RFP-13</td>
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</table>
11. INTERVIEWS

11.1 The District, at its discretion and in order to seek clarification from DBEs related to proposals, may conduct interviews during its evaluation of RFPs with some or all of the DBEs that responded to this RFP. These interviews will only be for this purpose and will not be an opportunity for DBEs to substantively revise or change their proposals.

11.2 Clarifications of Proposals

11.2.1 District reserves the right at any time to request in writing from any DBE, clarification of any information contained in a Proposal or Offer (if any). Although requests for clarifications are generally used only if Discussions or Negotiations are not conducted, they are within the District’s discretion to occur at any time after the deadline for Proposals in the RFP Schedule. Nothing stated herein or elsewhere in the RFP shall be interpreted to obligate the District to request further clarification from any Proposer or to obligate the District to seek the same or similar clarification from other or all DBEs. Responses to Requests for clarification shall be submitted in the time and manner specified by District in the request. Failure to do so may result in disqualification of the proposal.

12. NEGOTIATIONS

12.1 District staff may choose to begin negotiations with the DBE that RFP Selection Committee Deemed to, offer the best value to the District.

12.2 If the District is unable to successfully negotiate a satisfactory agreement with terms and conditions the District determines to be fair and reasonable, the District may then commence negotiations with the DBE that it believes offers the next best value, in sequence, until an agreement is reached or determination is made to reject all submittals.

12.3 Upon successful negotiations of the terms and condition of the required Agreement, whose form is attached to the Project, District staff will issue a Notice of Intent to Award to the DBE. Final selection of a DBE shall be at the sole discretion of the District’s Board after recommendation from District staff.

12.4 The district may choose to award all, some or none of that packages to one or more DBEs.

13. DISTRICT RIGHTS

13.1 The District may investigate the qualifications of any individual, firm, or DBE under consideration, require confirmation of information furnished and require additional
evidence of qualifications to perform the services described in this RFP. The District also reserves the rights to take certain actions, including, but not limited to, the following:

13.1.1 Reject any or all of the responses to the RFP.
13.1.2 Revise and/or cancel the RFP.
13.1.3 Approve or disapprove the use of Subcontractor(s) and determine, at sole discretion of District, whether any penalty or disqualification may apply to a DBE.
13.1.4 Negotiate with any, all, or none of the DBE in accordance with the Cone of Silence conditions established in this document.
13.1.5 Question outside entities and District personnel and consultants regarding Proposer’s past performance and experience.
13.1.6 Create evaluation panels and seek the assistance of outside technical experts and consultants or any other source to review, rank, and evaluate responses to the RFQ and/or the RFP.
13.1.7 Hold meetings and conduct discussions and correspondence with Proposers responding to the RFP to gain an improved understanding and evaluation of the responses.
13.1.8 Waive minor deficiencies, informalities, and irregularities in the responses to the RFP.
13.1.9 Consider data and experience records maintained by SDUSD for all or some SDUSD construction projects completed by the DBE.
13.1.10 Issue addenda addressing any or all item/issues in any or all Proposals and from any or all interviews with DBE (except for items marked as “TRADE SECRET”, “CONFIDENTIAL”, or “PROPRIETARY” as further defined in Section 9 of this document.
13.1.11 Reserves the right, but shall not have the obligation, after the deadline in the RFP Schedule for submission of Proposals, to request submittal of Offers.

14. CONTRACT EXECUTION PROCESS

14.1 Award

14.1.1 Award, Post-Award Submittals

14.1.1.1 Basis of Award. Following the ranking of the DBE’s Proposals by the RFP Selection Committee, the District will then have the option of either: (1) (with or without conducting Negotiations) issuing a Notice of Intent to Award; (2) if the Proposer initially ranked highest is determined upon clarification obtained in Limited Negotiations to be not in the best interest to the District, retracting any previously issued Notice of Intent to Award and, with or without further Negotiations, issuing a new Notice of Intent to Award to the Proposer thereafter determined to be in the best interest of the District; or (3) rejecting all Design-Builder Proposals.

14.1.1.2 Tie. In the event that two or more Proposals receive identical total scores rounded to the nearest whole number and ranking as “most
advantageous" by the RFP Selection Committee, then the District will award to the Proposer whose Design-Builder Proposal contains the lowest price.

14.2 Issuance of NTPs (Notice to Proceed)

14.2.1 After Board of Education award of Contract, the District intends to issue two separate NTPs. The first NTP will be for design and pre-construction services.

14.2.2 The second NTP will be issued for Construction.

15. SPECIAL PERFORMANCE REQUIREMENTS

15.1 Delivery of Bonds and Certificates

15.1.1 Unless otherwise specified, the successful Contractor shall, within five (5) business days after written notification by the District, sign and deliver to the District the Labor and Material Payment Bond and Performance Bond, certificates of insurance, and other required documents. In the event the successful Contractor fails or refuses to so deliver such documents by the deadline date, the District may award the work to the next qualified Contractor. The penal sums of the Labor and Materials Payment Bond and the Performance Bond shall each be in an amount equal to 100% of the Contract Price. Bonds required by the Contract Documents shall be accepted by the District on District provided forms, only if issued and duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California, and financially secured through an authorized agent with an office in California.
EXHIBIT A

SCOPE OF WORK

1. GENERAL PROJECT DESCRIPTION

1.1 The DBE shall be responsible for the complete design, regulatory approval, utility service provider coordination, and construction administration, construction of new HVAC systems and appurtenances, and project closeout services as required to meet the project objectives defined in this RFP and all its attachments and exhibits. See Exhibit A B Design Build Contract.

2. DESIGN & PRE-CONSTRUCTION SERVICES PHASE

2.1 DBE will utilize the attached SDUSD Design Guide and Performance Criteria for HVAC Design Build, Exhibit C and Bridging Documents, available on FTP site for each school site to provide complete and constructible Construction Documents and Pre-Construction Services. DBE is to assume full professional responsibility for all designs including all engineering and other services required to produce complete construction documents. Professional Services in this phase to include, at minimum, the following:

A. DBE shall perform additional investigation of site condition as needed, including but not limited to, the following:
   1. Infrastructure
   2. Utilities
   3. Existing Systems
   4. HAZMAT
   5. Other elements as may be needed

B. DBE shall perform a Constructability Review including but not limited to, the following:
   1. Review proposed design and site conditions to ensure project is constructible as designed.
   2. Propose cost-cutting measures and value-engineering as may be applicable
   3. Design enhancements
   4. DBE may propose limited or extensive design changes in accord with the attached SDUSD Design Guide and Performance Criteria for HVAC Design Build, Exhibit C.

C. DBE shall prepare and fully coordinate all Construction Documents including but not limited to, the following:
   1. Drawings
   2. Specifications
   3. Engineering and calculations as needed.
   4. District Design Review Comments. DBE will attend and participate in meetings for over-the-shoulder review of construction documents by the District and its representatives.
   5. Water Pollution Control Plan (WPCP)
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>13</td>
<td>Prequalification of <strong>Non-MEP Subcontractors Form</strong></td>
</tr>
<tr>
<td>14</td>
<td>General Information for <strong>MEP Subcontractors</strong></td>
</tr>
<tr>
<td>14</td>
<td>Where to Submit</td>
</tr>
<tr>
<td>15</td>
<td>Basis for Prequalification</td>
</tr>
<tr>
<td>15</td>
<td>Quick Check</td>
</tr>
<tr>
<td>15 – 30</td>
<td><strong>MEP Subcontractor Qualification and Verification Forms</strong></td>
</tr>
</tbody>
</table>
| 31       | Appendices:  
- Detailed Information  
- Appeal Process  
- Cal/OSHA Form 300 Example |
Minimum Criteria for Subcontractor Selection. Prime contractor shall use the following criteria in selection of its Non-MEP subcontractors for lease-leaseback projects. (Note: Subcontractors performing MEP trades must apply for prequalification directly with the District per California Public Contract Code Section 20111.6 using the District’s standard MEP subcontractor form, starting on page 23) or downloadable at https://www.sandiegounified.org/contractor-prequalification.

Each Non-MEP subcontractor is required to submit this one-page prequalification form directly with the District, no later than 9/12/18 to be eligible for this RFP. Scanned copies are acceptable and may be submitted via email to Glenda Burbery at gburbery@sandi.net. Prequalification will last through Feb 22, 2019 and apply to all upcoming Lease-lease back projects awarded before that date.

Subcontractor Name: ____________________________________ CA License #: ____________________

Business Phone: ____________________________ DIR #: __________________________

Indicate your company’s EBE designation(s): SBE (small) DVBE (disabled vet) MBE (minority) WBE (woman)

1. The subcontractor has performed and completed at least two (2) subcontracts for which they self-performed at least 90% of the value for a public agency within California within the past five (5) years:

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Name of Agency</th>
<th>Contact Person / Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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</tr>
</tbody>
</table>

2. The subcontractor has not been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years. ___

3. The subcontractor has not defaulted on a contract, been substituted off a project after beginning performance, or been terminated for cause by any prime contractor or public agency on any project within California during the past five (5) years where that default, substitution or termination has been upheld by a court or an arbitrator. ___

4. The subcontractor has not paid liquidated damages pursuant to a contract for a project with either a public or private owner within California within the past five (5) years? ___

5. The subcontractor’s Workers’ Compensation Experience Modification Rate did not exceed 1.5 at any time for the past three (3) premium years. NOTE: An Experience Modification Rate is issued to your firm annually by your worker’s compensation insurance carrier. ___

If your EMR for any of the last 3 years was 1.50 or higher, indicate the rates and attach an explanation from your carrier. EMR 2018 ________ EMR 2017 ________ EMR 2016 ________

6. The subcontractor has not failed in its performance of a contract with any Contractor during the past five (5) years. ___
I, the undersigned, as an authorized agent of my firm, certify and declare that the above answers are true of my own knowledge and belief. I declare under penalty of perjury under the laws of the State of California, that the information provided is true and correct.

Subcontractor Signature: _______________________        Dated: ________________________________
Print Name: _______________________________        Title: _________________________________
Phone Number: ______________________________        Email Address: __________________________
REQUEST FOR PREQUALIFICATION OF MEP SUBCONTRACTOR

The following contractor classifications who will be performing work under the Mechanical, Electrical, and Plumbing trades (MEP) must be prequalified to work for a prime contractor:

C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43 and C-46.

This requirement is for all contracts estimated at $1,000,000 or over, awarded after January 1, 2014.

Each contractor wishing to perform work as a subcontractor to a prime contractor a submitting proposal to San Diego Unified School District for Construction Services at La Jolla High School Whole Site Modernization Lease-Leaseback must fully complete this Questionnaire and provide all materials requested herein. The prequalification will remain in effect for 12 months from the notice of qualification.

Answers to questions contained in the attached Prequalification Questionnaire are required, including a complete statement of experience in performing public works projects. These documents will be the basis of qualifying a subcontractor wishing to work for a District prequalified prime contractor. The District reserves the right to check other sources available. Omission of, or refusal to supply, requested information can result in automatic disqualification.

The Questionnaire is not a public record and is not open to public inspection. All information provided will be kept confidential to the extent permitted by law. San Diego Unified School District reserves the right to reject any and all Prequalification Questionnaires and to waive any irregularities in the information contained therein.

Each Questionnaire must be signed under penalty of perjury by an individual who has the legal authority to bind the subcontractor on whose behalf that person is signing. If any information provided by a subcontractor becomes inaccurate, the subcontractor must immediately notify the awarding body and provide updated accurate information in writing and under penalty of perjury. USE THE ATTACHED FORMS

SUBMISSION OF COMPLETED STATEMENTS

Deliver completed Subcontractor's Statement of Experience and Financial Condition along with the following:

- California Contractor's License
- CalOSHA 300 logs for past 3 years
- Letter of Bondability
- Certificate of Insurance
- Current Financial Statement

To: San Diego Unified School District
   Strategic Sourcing and Contracts Department
   Attn: Ashley Mains, Contract Specialist
   2351 Cardinal Lane, Building M
   San Diego, CA 92123

Please mark envelope "Confidential"
BASIS FOR PREQUALIFICATION

1. Subcontractor will have answered “YES” to all of the Quick Check questions below.
2. Subcontractor must not have answered “YES” to any of the questions cited in SECTION 1 – DISQUALIFYING QUESTIONS.
3. Subcontractor must have completed a minimum of three (3) directly contracted or subcontracted public works projects in the State of California within the last five (5) years.
4. Subcontractor must score a minimum of 80 points in SECTION 4 – SCORED INTERVIEW QUESTIONS.

QUICK CHECK

Should you fill out this Questionnaire?

The following are screening statements, which should be used to determine whether or not you pass the test to require you to enter the prequalification process.

You must be able to answer “YES” to each statement below.

1. Your firm is a subcontractor holding one of the license classifications listed on Page 2 intending to submit a proposal to a prime contractor submitting a proposal to the District on a project of $1,000,000 or more.
2. Your firm possesses a valid and current California Contractor’s license in the proper classification(s) for which it will perform for the project or projects specified herein.
3. Your firm has general liability insurance with a policy limit of at least $500,000 per occurrence and $1,000,000 aggregate.
4. Your firm has a current workers’ compensation insurance policy as required by the Labor Code or it is legally self-insured pursuant to Labor Code Section 3700 et seq.
5. Your firm has completed at least three (3) directly contracted or subcontracted public works construction projects in the State of California within the last five (5) years. (Public Works is defined as facilities built for government agencies including school districts, special districts, local, county, state, and federal agencies and requiring prevailing wage rates paid to workers.)
6. Your firm is eligible to submit a proposal on a Public Works contract as per Sections 1777.1 and 1777.7 of the Labor Code.

If you can answer “Yes” to all of the above statements, please proceed with submission of this package.

If you have any questions regarding the questionnaire or its requirements, please contact the following:

Glenda Burbery at (858)522-5832 or gburbery@sandi.net
Blessing Lewis at (858) 522-5834 or slewis2@sandi.net
Judith Stark at (858) 522-5864 or jstark@sandi.net
SECTION 1 - DISQUALIFYING QUESTIONS

A “Yes” response to any of the following questions will result in automatic disqualification from submitting a proposal on San Diego Unified projects.

1. Is your firm currently the debtor in a bankruptcy case?
   - Yes
   - No

2. Have any of your contractor’s licenses been revoked at any time in the last five (5) years?
   - Yes
   - No
   If Yes, please explain on an attached separate sheet of paper.

3. In the last five (5) years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, defaulted, found non-responsible, terminated for cause, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason? This includes any agreement in which your firm voluntarily agrees not to submit a proposal.
   - Yes
   - No
   If Yes, please explain on an attached separate sheet of paper.

4. In the last five (5) years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible proposer?
   - Yes
   - No
   If Yes, please explain on an attached separate sheet of paper.

5. At any time during the last five (5) 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 payment bond issued on your firm’s behalf in connection with a construction project, either public or private?
   - Yes
   - No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

6. At any time during the last five (5) 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 bond issued on your firm’s behalf in connection with a construction project, either public or private?
   - Yes
   - No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

7. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
   - Yes
   - No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

8. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction, either public or private?
   - Yes
   - No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

9. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
   - Yes
   - No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.
10. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the last five (5) years?
   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.
   ☐ Yes ☐ No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

11. At any time in the last five (5) years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the performance of a government contract?
   ☐ Yes ☐ No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.

12. At the time of submitting this prequalification form, is your firm ineligible to submit a proposal on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code sections 1777.1 or 1777.7?
   ☐ Yes ☐ No
   If Yes, please list all instances with explanations on an attached separate sheet of paper.
SECTION 2 - GENERAL INFORMATION

Subcontractor: ___________________________________________                         Check One:
(As name appears on license)

Corporation_____ Partnership_____ Sole Prop._____ Joint Venture ____

Address: _______________________________________________

Contact Person: ___________________________________   Contact’s phone: ________________

Email address: ___________________________________________________________________

Main Phone: (_____) _____________________   Main Fax Number: (_____) _____________________

License #:__________________   Class:  ________________   Exp. Date: _______________________

Other classification(s) held, if any, and license number(s): __________________________________

Dept. of Industrial Relations, Public Works Contractor Registration Number ____________________________

District Use Only:
Verified by District __________________________ on __________________________ via __________________________
License Clear: _____ Yes     _____ No (www.cslb.ca.gov web page or 1-800-321-2752 for computer)

Tax ID Number: ___________________      Date Business Formed: _____________________________
Corporate Identification Number:   ________________________

1. In what type of construction do you specialize? ___________________________________
__________________________________________________________________________

2. Attach a statement from a surety company (approved by the California Department of Insurance) authorized
to issue bonds in the State of California, which states your current available bonding capacity.  NOTE:  
Statement must be from the surety company, not an agent or broker.

District Use Only:
Verified by District __________________________ on __________________________

3. Attach a copy of your most current (within the last 18 months) financial statement.  NOTE: Statement does 
not need to be either reviewed or audited.

District Use Only:
Verified by District __________________________, dated __________________________

4. Are you currently prequalified with any other school district or public agency in San Diego County ____Yes  
   ____No

If yes, list ALL agencies for which you have already prequalified:
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
5. Is your firm an EBE? (Emerging business enterprise?)  ____Yes  ____No.  If Yes, list all of your certifications.
   (Visit San Diego Unified’s Business Outreach website at www.sandi.net/page/934 to get on the opportunities database and learn how to do business with the district.)

6. Is your firm a DVBE contractor?  ____Yes  ____No.  If Yes, list your DGS certification number, or if you are certified through SDVOB please provide a copy of your verification letter.

7. Is your firm willing to be a subcontractor on Project Stabilization Agreement (PSA) jobs and abide by the terms and conditions of the PSA?  ____Yes  ____No
   If your answer is No, you will not be prequalified to work as a subcontractor on any District construction projects at $1,000,000 or over, utilizing school bond proposition funds.

8. Is your firm a union signatory?  _____Yes  ____No.  If Yes, list each craft:

9. If the answer to #7 above was “Yes”, list your firm’s core workers, i.e. workers that have been in your employment for 30 out of the last 180 days, possesses all necessary certifications/licenses to perform craft work (if any), and is a resident of San Diego County:

10. Are you interested in attending any District training sessions for PSA?  ____Yes  ____No
    If so visit San Diego Unified’s PSA web page at https://www.sandiegounified.org/project-stabilization-agreement-psa for more information and a list of contacts.
SECTION 3 - ORGANIZATION HISTORY, PERFORMANCE, AND COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

**For Firms That Are Corporations:**

1a. Date incorporated: ______________

1b. Under the laws of what state: ______________

1c. 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 per cent of the corporation’s stock.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
</tr>
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<tbody>
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1d. 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 per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Dates of Person’s Participation with Firm</th>
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<tbody>
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</table>

1e. Provide a copy of most recent certification from the California Secretary of State indicating standing.

**For Firms That Are Partnerships:**

1a. Date of formation: ______________

1b. Under the laws of what state: ______________

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
</tr>
</thead>
<tbody>
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</table>

1d. Identify every construction company that any partner 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 per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Company</th>
<th>Dates of Person’s Participation with Firm</th>
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</tbody>
</table>
For Firms That Are Sole Proprietorships:
1a. Date of commencement of business
1b. Social security number of company owner
1c. 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 per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Company</th>
<th>Dates of Person’s Participation with Co.</th>
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</table>

B. History of the Business and Organizational Performance
2. Has there been any change in ownership of the firm at any time during the last three (3) years?  
   NOTE: A corporation whose shares are publicly traded is not required to answer this question.  
   ☐ Yes ☐ No  
   If Yes, explain on a separate signed page.

3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?  
   NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.  
   ☐ Yes ☐ No  
   If Yes, explain on a separate signed page.

4. Are any corporate officers, partners or owners connected to any other construction firms?  
   NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.  
   ☐ Yes ☐ No  
   If Yes, explain on a separate signed page.

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

6. Was your firm in bankruptcy at any time during the last five (5) years?  
   ☐ Yes ☐ No  
   If Yes, explain on a separate page.

C. Licenses
7. If any of your firm’s license(s) are held in the name of a corporation 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.
   __________________________________________________________________________
   __________________________________________________________________________

8. Has your firm changed names or license number in the last five (5) years?  
   ☐ Yes ☐ No  
   If Yes, explain on a separate signed page, providing prior name/license number, date of change and circumstances surrounding the change.

9. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five (5) years?
☐ Yes ☐ No
If Yes, explain on a separate signed page, provide the prior name, the date of change and the circumstances surrounding the change.

10. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five (5) years?
☐ Yes ☐ No
If Yes, please explain on an attached separate sheet of paper.

D. Contractual Obligations and Disputes – SD Unified Projects

11. At any time during the last five (5) years has your firm received one or more “Notices of Non Compliance” from the District’s representative on District projects?
☐ Yes ☐ No
If Yes, explain on a separate signed page, providing the project name(s), contract number(s), date of award and circumstances related to your receipt of the notice.

12. At any time in the last five (5) years has your firm filed two or more requests to withdraw or to be released from a District proposal?
☐ Yes ☐ No
If Yes, explain on a separate signed page, providing the project name(s), contract number(s) and the circumstances under which you sought withdrawal.

13. At any time during the last five (5) years has your firm been penalized for illegal/improper Substitution of a Listed Subcontractor on District projects?
☐ Yes ☐ No
If Yes, explain on a separate signed page, providing the project name(s), contract number(s), the name(s) of the subcontractor(s).

14. At any time in the last five (5) years, has your firm been assessed and paid liquidated damages after completion of a project on District projects?
☐ Yes ☐ No
If Yes, please explain on an attached separate sheet of paper.

E. Contractual Obligations and Disputes – All Public Works Projects

15. In the last five (5) years, has your firm been involved in any arbitration, mediation, or other dispute resolution process, or litigation with a project owner, filed any claims with a project owner or had any claim filed against it by a project owner, regardless of outcome?
☐ Yes ☐ No
If “Yes,” on separate signed sheets of paper identify the claim 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 (pending, or if resolved, a brief description of the resolution).

16. In the last five (5) years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
☐ Yes ☐ No
If Yes, please list all instances with explanations on an attached separate sheet of paper.

17. Has your firm been required to pay a premium of more than two per cent (2%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years?
☐ Yes ☐ No
If Yes, state the percentage that your firm was required to pay and provide an explanation for a percentage rate higher than two per cent on an attached separate sheet of paper.

__________________%
18. During the last five (5) years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If Yes, please list all instances with explanations on an attached separate sheet of paper.

F. Worker Safety, Prevailing Wage, Workers Compensation, Apprenticeship – All Public Works Projects

19. Within the past five (5) years has the Department of Industrial Relations/Division of Labor Standards Enforcement found your firm or, to have failed to pay prevailing wage on a public works project?

☐ Yes ☐ No

If Yes, please explain __________________________________________________________

________________________________________________________________________

________________________________________________________________________

20. Has there been more than one occasion during the last five (5) years on which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the state’s prevailing wage laws?

☐ Yes ☐ No

NOTE: This question refers only to your own firm’s violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If Yes, please list all instances with explanations on an attached separate sheet of paper.

21. During the last five (5) years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

☐ Yes ☐ No

If Yes, please list all instances with explanations on an attached separate sheet of paper.

22. Has the EPA, Department of Environmental Health or any Air Quality Management District or any Regional Water Quality Control Board or any other agency with competent jurisdiction cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the last five (5) years?

☐ Yes ☐ No

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.

If Yes, please list all instances with explanations on an attached separate sheet of paper.

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

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

Current year: ____________________

Previous year: ____________________

Year prior to previous year: ____________________

If your EMR for any of these three years is or was 1.00 or higher, attach a letter of explanation.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.

25. Within the last five (5) years, has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance?
26. Attach copies of OSHA 300 Logs from the past 3 years. SEE APPENDICES FOR EXAMPLE OF FORM 300 LOG. Summaries (300A) are NOT acceptable unless there were no injuries for that year.

District Use Only:
Verified by District by _______________________ on _______________________, for _________ years.

27. Provide the name, address, and telephone number of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by San Diego Unified School District.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

28. If your firm operates its own State-approved apprenticeship program:
   a. Identify each 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) of your apprenticeship program(s).
   c. State the number of individuals who were employed by your firm as apprentices at any time during the past three (3) years in each apprenticeship and the number of persons who, during the past three (3) years, completed apprenticeships in each craft while employed by your firm.

Provide all requested information on a separate sheet of paper and attach to this Questionnaire.

29. At any time during the last five (5) years, has your firm been found to have violated any provision of the California apprenticeship laws or regulations, or the laws pertaining to the use of apprentices on public works?
   ☐ Yes ☐ No
   If yes, provide the date(s) of such findings, and attach copies of the Department’s final decision(s).

I, the undersigned, as an authorized agent of my firm, certify and declare that I have read all the foregoing answers and accompanying documents to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief. I declare under penalty of perjury under the laws of the State of California, that all information provided in this application is true and correct. In addition, by submitting this application, I am authorizing the District to verify all information and contact any and all references listed in order to determine prequalification.

Signed:_________________________ Dated:_________________________
Print Name:_____________________
Title:___________________________
Place of Execution:_________________________
SECTION 4 - SCORED INTERVIEW QUESTIONS

The following questions will be used to interview randomly selected contacts from at least two (2) completed projects. If you performed work as a subcontractor on any or all of your listed projects, District will contact the general contractor for the project for the interview questions. If you have performed on projects as a prime contractor for the District within the last five (5) years, District will interview the project and construction managers for the project for the two (2) most recently completed projects. The District will conduct the interviews. No action on the contractor’s part is necessary. These questions are included on the package given to the contractor for information only.

The highest possible score on any single project is 100 points. An average score of less than 80 points disqualifies a subcontractor from working on projects that are proposed by San Diego Unified School District.

1. Are there any outstanding stop notices, liens or claims by the contractor that are currently unresolved on contracts for which notices of completion are recorded? (10 points if none)

2. Please rate the contractor’s performance regarding the amount of supervision required by the owner during execution of the project. (10 points maximum)

3. Please rate the contractor’s performance in providing reports and other paperwork, including change order paperwork and scheduling updates in a timely manner. (10 points maximum)

4. Did the contractor finish their portion of the project on schedule? Please rate the contractor’s performance on the following factors:
   a. Providing sufficiently experienced supervision over the project (10 points maximum).
   b. Adequately staffing the project (10 points maximum)
   c. Providing sufficient equipment to perform the work in a timely manner on the project (10 points maximum)
   d. Required supervision from owner (10 points – minimal supervision, 0 points – excessive supervision)

5. Were there any change orders on the project? Please rate the contractor’s performance on the following factors:
   a. The quality of the change order work (10 points maximum)
   b. Providing timely submission of cost and time estimates to perform change order work (10 points maximum)
   c. How well the contractor integrated the change order work into the existing work (10 points maximum)

SECTION 5 - INSURANCE

Do you currently have a minimum of $500,000 per occurrence and $1,000,000 aggregate Combined Comprehensive Single Limit Liability Insurance? ____ Yes ____ No.

If you do not have the minimum insurance requirement, how much is your current coverage for Combined Comprehensive Single Limit Liability Insurance?

$__________________ Per Occurrence  $__________________ Aggregate

☐ Attach your certificate of insurance (ACORD) with your submitted questionnaire.
NOTE: Provide 2 years history of insurance coverage, using a separate page if necessary. Include phone numbers and contact names.

Current Insurance Company Information
Name: ________________________________________
Address: ________________________________________
Years with Current Insurance Co.: _______
Phone #: (        ) ____________________________
Contact: ________________________________________

Prior Insurance Company Information
(Provide if under 2 years with current agency)
Name: ________________________________________
Address: ________________________________________
Years with Prior Insurance Co.: _______
Phone #: (        ) ____________________________
Contact: ________________________________________

SECTION 6 – RECENT CONSTRUCTION PROJECTS COMPLETED
Contractor shall provide information about its three (3) recent/largest public works prime contracts or subcontracts completed in the State of California within the last five (5) years. Names and references must be current and verifiable.

1. Project Name: ________________________________________
Location: ________________________________________
Owner/Government Agency: ________________________________________
Owner Contact (name, title and current phone number):
Was your company a Prime contractor on this project? (yes / no) ____________________________
Prime Contractor (firm): ________________________________________
Prime Contractor Contact (name, title and phone number):

Owner/GC’s Construction Manager and/or Project Manager:
NOTE: This person must have been on the project site and can evaluate your company’s performance.
(Provide person’s name, title, employer and verified current phone number):

Description of Project, Scope of Work Performed:

Date work completed ________________ Subcontract Value: ____________________________

2. Project Name: ________________________________________
Location: ________________________________________
Owner/Government Agency: ________________________________________

Certificate of Insurance attached? _____ Yes _____ No
Expiration date of insurance: ____________________________
Owner Contact (name, title and current phone number):

Was your company a Prime contractor on this project? (yes / no) _________________________

Prime Contractor (firm):

Prime Contractor Contact (name, title and phone number):

Owner/GC’s Construction Manager and/or Project Manager:
NOTE: This person must have been on the project site and can evaluate your company’s performance.
(Provide person’s name, title, employer and verified current phone number):

Description of Project, Scope of Work Performed:

Date work completed __________      Subcontract Value: ____________________________

****

3. Project Name:
Location:

Owner/Government Agency:
Owner Contact (name, title and current phone number):

Was your company a Prime contractor on this project? (yes / no) _______________________

Prime Contractor (firm):
Prime Contractor Contact (name, title and phone number):

Owner/GC’s Construction Manager and/or Project Manager:
NOTE: This person must have been on the project site and can evaluate your company’s performance.
(Provide person’s name, title, employer and verified current phone number):

Description of Project/Scope of Work Performed:

Date work completed __________      Subcontract Value: ____________________________

List recent projects completed for California school districts, including community college districts, in the last five (5) years (if not listed above):  

<table>
<thead>
<tr>
<th>School District</th>
<th>Contract $</th>
<th>Date Completed</th>
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<tbody>
<tr>
<td>Job Name/Work Performed</td>
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<tr>
<td>Was your company the Prime? Yes __ No __</td>
<td>If not, list Prime</td>
<td></td>
</tr>
<tr>
<td>Owner Contact (PM/CM/Super)</td>
<td>Title</td>
<td>Phone</td>
</tr>
<tr>
<td>Prime Contact (PM/CM/Super)</td>
<td>Title</td>
<td>Phone</td>
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<td>If not, list Prime</td>
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<tr>
<td>Prime Contact (PM/CM/Super)</td>
<td>Title</td>
<td>Phone</td>
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4. List two (2) current principle Trade Suppliers

<table>
<thead>
<tr>
<th>Company</th>
<th>Material Provided</th>
<th>Contact</th>
<th>Phone #</th>
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5. List three (3) current principle Trade Subcontractors

<table>
<thead>
<tr>
<th>Company</th>
<th>Service Provided</th>
<th>Contact</th>
<th>Phone #</th>
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District Use Only: Supplier - Reference Verification

Supplier #1
Co. Name: _____________ Spoke With: _____________
Annual Volume: _____________
Pd. at terms: Yes ______ No ______ Last usage date: _____________ Ver. by _____________ on _____________
Comments: ____________________________________________________________

Subcontractor #1
Co. Name: _____________ Spoke With: _____________
Annual Volume: _____________
Pd. at terms: Yes ______ No ______ Last usage date: _____________ Ver. by _____________ on _____________
Comments: ____________________________________________________________
6. List experience record of staff:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years With Firm</th>
<th>Experience</th>
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APPENDICES
DISTRICT PREQUALIFICATION STANDARDS FOR SUBCONTRACTORS

(1) Subcontractor's Statement of Experience
(2) Appropriate California Contractor's License
(3) Subcontractor's Financial Statement and Letter of Bondability
(4) Certificate of Insurance

Only one (1) copy of the prequalification is required to be submitted. A new and current submittal shall be required each year by the anniversary date of initial qualification. A Subcontractor may also file new statements quarterly if there is substantial change in the subcontractor's financial status, and a new rating based on the latest statement will be issued. In no case will prequalification remain in effect longer than one (1) year from the date of notice of prequalification. The District reserves the right to update or modify the Questionnaire at any time, which may result in a different Questionnaire being issued for any subsequent annual re-qualification. The following items must be provided or the prequalification submittal will not be accepted.

PUBLIC WORKS REQUIREMENTS

Prequalification requires the successful completion of at least three (3) public works prime or subcontracts completed in the state of California in the last five (5) years.

FINANCIAL INFORMATION

A. Financial Statement Requirements

A current financial statement will be required to subcontracts on District projects estimated at $1,000,000 or over. The statement must be no older than two (2) years old. The statement is not required to be either reviewed or audited by a certified public accountant.

B. Term of Financial Statements

A Subcontractor's financial information is valid until the date shown is more than twelve (12) months old. The District reserves the right to reject statements in which the financial information is more than twelve (12) months old. All applicable portions of the form should be completed with schedules attached if the space provided does not suffice.

BONDABILITY

The bonding surety is required to be an authorized surety in the state of California with an A.M. Best Key Rating of A-:VII or better. It is required that the contractor includes a letter of bondability from the surety indicating their support levels.

INSURANCE

A minimum $1,000,000 per occurrence and $2,000,000 aggregate combined comprehensive single limit liability insurance is required for all projects.

NOTIFICATION OF PREQUALIFICATION RESULT

Completed prequalification forms must be submitted no later than 10 days prior to proposal opening due date.

Subcontractors will be notified of their prequalification rating by fax or US mail, as well as posted to a list or prequalified subcontractors on the District’s website. Notification will be made as soon as possible, but no later than 5 days prior to proposal opening due date.

PROCEDURE FOR APPEAL OF PREQUALIFICATION RESULTS

An appeal of prequalification results must be made in writing (e-mail is not acceptable). The appeal must be filed and received by the Contracts Administration Supervisor, at the address as mentioned herein, not more than five (5) calendar days following the date of issuance of the District's letter of denial of prequalification; and the written appeal sets forth, in detail, all grounds for the appeal, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the appeal; any matters not set forth in the written appeal shall be deemed waived. All factual contentions must be supported by competent, admissible and creditable evidence.

Within thirty (30) days after receipt of the Subcontractor’s request the District will call to order a three-member appeal panel made up of Facilities Planning and Construction management/supervisory staff or any other staff deemed
qualified by the District. The Subcontractor and up to three (3) representatives are invited to appear in person to bring before the appeal panel any additional or new information; Subcontractor’s testimony shall be limited to twenty (20) minutes. The panel shall advise the Subcontractor on the points where his/her questionnaire response has fallen below the minimum required number of points to qualify, and allow the Subcontractor to speak to the issues. The Subcontractor is then released from the meeting and the panel members shall come to consensus on whether or not to allow the Subcontractor to prequalify. The Subcontractor will be faxed notification of the appeal panel’s decision within five (5) days after the meeting.

If Subcontractor is not prequalified, they may not submit a new prequalification questionnaire for a period of one (1) year from date of disqualification. If Subcontractor requests an appeal and loses the appeal, the disqualification shall be for one (1) year from date of the panel’s written decision.

Example of OSHA Form 300
EXHIBIT H

LIST OF DESIGN / BUILD DOCUMENTS FOR CONSTRUCTION SERVICES
OF HEATING VENTILATION AND AIR CONDITIONING (HVAC)
AT MULTIPLE DISTRICT SITES

Documents for this RFP are available on a District managed FTP site and may be accessed by DBE using the following URL: https://fpcprojects.sandi.net/hvacrfp/_layouts/15/start.aspx#

RFP Exhibits:

A. Scope of Work (attached to RFP)
B. Design Build Contract (to be issued in an addendum)
   General Conditions
   Supplementary Conditions
C. SDSU Design Guide & Performance Criteria for HVAC Design Build (FTP Site)
D. District Architects Professional Services Manual (FTP Site)
E. District Standard Estimating Template (FTP Site)
F. District Master Key Responsibility Agreement Form (FTP Site)
G. School Police Procedures (FTP Site)
H. List of Design Build Documents (attached to RFP)

RFP Attachments:

1. Design Build Pricing Forms (FTP site)
   Summary Forms
   Detailed Forms
2. Subcontractor Listing Forms By Package (attached to RFP)
3. DVBE Paperwork (attached to RFP)
4. Architects Fixed Fee Matrix (FTP Site)
5. Executable Documents (to be issued in an Addendum)
6. District’s Subcontractor Prequalification Application

SCHOOLS

PACKAGE 1

A. Bird Rock ES
   Construction Drawings
   Construction Specifications
   Division of the State Architect
   Energy Pro Files
   Reports
   Water Pollution Control Plan
B. La Jolla ES
   Construction Drawings
   Construction Specifications
   Division of the State Architect
   Energy Pro Files
   Reports