

## PREQUALIFICATION DOCUMENTS

FOR

ALL TRADES

(EXCEPT HVAC, PLUMBING & PROCESS PIPING, FIRE PROTECTION, ELECTRICAL)

**INCLUDING, BUT NOT LIMITED TO:**

Concrete Demolition, Selective Demolition, Structural Concrete, Misc. Metals, Misc. Rough Carpentry, Insulation, Firestopping, Sealants, Doors, Frames, Hardware, Aluminum Framed Storefront, Metal Studs and Drywall, Acoustical Ceilings, Floor Covering, Painting, Wall and Corner Guards, Fire Extinguishers and Cabinets, Laboratory Casework, Horizontal Louver Blinds, Clean Room Ceiling and Wall Systems, Clean Room Furnishings.

FOR

## UC MERCED EAST SCIF PROJECT MERCED, CA

Project No. 904000

University of California Merced  
5200 North Lake Road  
Merced, CA 95343

September 28, 2009

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## **EVALUATION CRITERIA**

A uniform evaluation procedure will be applied in accordance with applicable law, to evaluate those firms desiring to be pre-qualified to bid the work on this project. Only Subcontractors that meet **all** of the following criteria will be included on the list of pre-qualified Subcontractors for work.

Qualifications will include evaluation and verification of Subcontractor's or entity's current ability and history to secure a performance and payment bond, liability and Workers' Compensation Insurance and evidence and history of proper licensing, financial ability, history of litigation and claims or other adverse actions, ability to complete projects of this nature on time within project schedule and safety record.

To become pre-qualified to bid to this project, Subcontractors shall submit a complete Prequalification Submittal to Sundt Construction Inc. confirming that **all** the following criteria are met. All written material required must be supplied at the time of this submittal.

Sundt Construction Inc. reserves the right to request, receive and evaluate supplemental information after the above time and date at its sole determination.

### **The Subcontractor must:**

A. Possess a current California Contractor's License designation as describe in the "Description of Classifications as defined by California State License Board, [www.cslb.ca.gov](http://www.cslb.ca.gov).

-and-

B. Provide a statement from an AM Best, Inc. rating of A or better surety company of the Subcontractor's bonding capacity, its ability to provide a Bid Bond and a Performance and Payment Bond.

-and-

### **For the trades that will provide the following:**

- **clean room wall systems**
- **clean room ceiling systems**
- **clean room furnishings**

C. Provide a list of at least three completed projects within the last 5 years that demonstrates experience in constructing, following the appropriate protocols and certifying a class 1,000 (or cleaner) clean room in a facility that was occupied during the course of construction.

-or-

### **For the concrete and demolition trades**

C. Provide a list of at least three completed projects within the last 5 years that demonstrates experience in working in a facility that was occupied during the course of the construction.

-or-

**For all other trades**

C. Provide a list of at least three completed projects within the last 5 years that demonstrates experience in constructing a research or testing laboratory or a medical surgical operating room in a facility that was occupied during the course of the construction.

**For contractors bidding more than one scope of work, provide a list of three projects that's specific to the each trade.** List to include project name, date of completion, general contractor contact information, duration, size and/or quantity and contract value.

-and-

D. Provide original of all notarized statements and/or certifications requested.

**The University of California, Merced reserves the right to approve Subcontractor's project manager and project superintendent.**

**One original** of all the requested Attachments must be submitted with the Bid Proposal Form:

**Bids will be Received at:** University of California, Merced  
Stem Cell Instrumentation Foundry Bid Pkg.  
767 E. Yosemite Ave., Bldg. B, Suite C  
Merced, CA 95340

**Overnight delivery sealed bids must be sent to:** University of California, Merced  
Stem Cell Instrumentation Foundry Bid Pkg.  
767 E. Yosemite Ave., Bldg. B, Suite C  
Merced, CA 95340

**Bids will be Opened after 2pm at:** University of California, Merced  
Stem Cell Instrumentation Foundry Bid Pkg.  
767 E. Yosemite Ave., Bldg. B, Suite M  
Merced, CA 95340

Sealed bids for the Lump Sum Base Bid will not be accepted after **2:00 P.M.** on **November 19, 2009**.  
Sealed bids will be opened later in **Suite M**.

**Faxed bids will NOT be accepted.**

The following Prequalification Approval Checklist is for contractor's use. A complete Prequalification Submittal Package consists of **ALL** of the following:

- \_\_\_\_\_ A. Provide a copy of your current California Contractor's License
- \_\_\_\_\_ B. Provide a statement from an AM Best, Inc. rating of A or better surety company of the Subcontractor's bonding capacity, its ability to provide a Bid Bond and a Performance and Payment Bond.
- \_\_\_\_\_ C. Provide a list of at least three completed projects within the last 5 years that demonstrates the appropriate experience as outlined in paragraph C above.

**For contractors bidding more than one scope of work, provide a list of three projects that's specific to the each trade.** List to include project name, date of completion, general contractor contact information, duration, size and/or quantity and contract value.

\_\_\_\_\_ Original of Notarized Statements for:

1. Completion of work statement (Attachment 1)
2. Fraudulent Claim statement (Attachment 2)
3. Mediation, Arbitration and Litigation History (Attachment 3)

**ATTACHMENT 1**

**An officer of the company must sign and return the statement below with the pre-qualification statement. Any pre-qualification statements returned without completing the attachment will be deemed non-responsive.**

I, \_\_\_\_\_, authorized agent of  
\_\_\_\_\_  
*(Name of Organization)*

hereby certify, under penalty of perjury under the laws of the State of California that the organization has not had a surety company finish work on any project within the last ten (10) years.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**ATTACHMENT 2**

**An officer of the company must sign and return the statement below with the pre-qualification statement. Any pre-qualification statements returned without completing the attachment will be deemed non-responsive.**

I, \_\_\_\_\_, authorized agent of  
\_\_\_\_\_  
*(Name of Organization)*

hereby certify, under penalty of perjury under the laws of the State of California that the foregoing is true and correct. In the last ten (10) years that the organization, any affiliate, parent or subsidiary company, or the principals, officers or RMO's of the organization, joint venture, any affiliate, parent or subsidiary company has not been found by a judge, arbitrator, jury, or a nolo contendere plea to have submitted a false or fraudulent claim.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**ATTACHMENT 3**

**An officer of the company must sign and return the statement below with the pre-qualification statement. Any pre-qualification statements returned without completing the attachment will be deemed non-responsive.**

I, \_\_\_\_\_, authorized agent of  
\_\_\_\_\_  
*(Name of Organization)*

hereby certify, under penalty of perjury under the laws of the State of California that the answers and any attached statement(s) related to "Attachment 3" of the Subcontractor Pre-Qualification for the organization are true on any project within the last ten (10) years.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**ATTACHMENT 3 (continues)**

**Contractor will be immediately disqualified if any of the answers to questions 1 to 6 is “yes” and explanation(s) are not provided.**

1. In the past ten (10) calendar years has your firm been involved in mediation of a construction related dispute where the amount in dispute exceeded \$50,000?  
 Yes       No  
If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.
2. In the past ten (10) calendar years has your firm filed a lawsuit or made a demand for arbitration where the amount is dispute exceeded \$50,000?  
 Yes       No  
If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.
3. 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,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.
4. 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?  
 Yes       No  
If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.
5. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or been found guilty of having submitted a false claim to a public agency within the last ten (10) years?  
 Yes       No  
If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.
6. Is your firm currently in litigation with the University of California or Sundt Construction, Inc.?  
 Yes       No
7. Below contains information regarding Subcontractor’s arbitration and litigation history. Applicant hereby acknowledges complete and full disclosure of the information requested.  
 Yes       No  
If “no”, subcontractor will be immediately disqualified.

**ATTACHMENT 3 (continues)**

**MEDIATION, ARBITRATION AND LITIGATION HISTORY**

Claims History. Each Subcontractor will be evaluated to determine if the Subcontractor and/or persons or entities associated with Subcontractor have a history of having unmeritorious construction claims asserted by or on their behalf in litigation or arbitration and/or of having had meritorious construction claims asserted against them in litigation or arbitration.

In order to be evaluated, each Subcontractor must complete the Claims History portion of this questionnaire. Based on the information provided, each Subcontractor will be assigned a Claims History score.

One point will be scored by the Subcontractor for each qualifying lawsuit or arbitration, commenced within 10 calendar years preceding the deadline for submission of the prequalification questionnaire, in which Subcontractor and/or persons or entities associated with Subcontractor, had construction claims asserted by or on their behalf that were resolved by trial court judgment, arbitration award or settlement calling for receipt of less than 50% of the total amount of claims asserted in the lawsuit or arbitration.

One point will be scored by the Subcontractor for each qualifying lawsuit or arbitration, commenced within 10 calendar years preceding the deadline for submission of the prequalification questionnaire, in which Subcontractor and/or persons or entities associated with Subcontractor, had design or construction claims asserted against them, that were resolved by trial court judgment, arbitration award or settlement calling for receipt of more than 50% of the total amount of claims asserted in the lawsuit or arbitration.

Additionally, answer(s) “yes” to questions 3 to 6 will be reviewed and upon consideration of the issues, a decision will be rendered of point(s) will be scored.

Any Subcontractor with a score of 3 or more points will presumptively be considered not prequalified because the Subcontractor and/or persons or entities associated with Subcontractor have been a party to 3 or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, unmeritorious construction claims or they had meritorious construction claims asserted against them.

The presumption may be rebutted if Sundt and the University determines, after investigating any explanation offered in providing the Claims History, that the Subcontractor and/or persons or entities associated with Subcontractor have not been a party to 3 or more lawsuits or arbitrations in which they either asserted, or had asserted on their behalf, unmeritorious construction claims or they had meritorious construction claims asserted against them.

If the presumption is not rebutted, the Subcontractor will be deemed to have an unacceptable Claims History, and will not be prequalified for the Project that is the subject of this prequalification process.

**ATTACHMENT 3 (continues)**

**MEDIATION, ARBITRATION AND LITIGATION HISTORY**

As used herein:

- Lawsuit means any lawsuit commenced within 10 calendar years preceding the deadline for submission of the prequalification questionnaire
- Arbitration means any binding arbitration commenced within 8 calendar years preceding the deadline for submission of the prequalification questionnaire
- Claim means a claim (excluding claims solely for the enforcement of stop notices) arising from design and/or construction work and includes, without limitation, claims for extra compensation and damages (including delay, disruption and acceleration damages, but excluding claims for personal injury or death), and claims for defective design or construction work.
- Pass-Through Claim has the meaning commonly ascribed to it in the construction industry and also includes (i) any claim that was or is asserted by a person or entity, in whole or in part, against an Owner on behalf of a different person or entity; and (ii) any claim that was or is asserted by an Owner against a person or entity, and that was subsequently reasserted, in whole or in part, against a different person or entity
- Member of Subcontractor means all firms and individuals who are intended to work as a part of, for, or under the Subcontractor on the Project that is the subject of this prequalification process and includes, without limitation, such firms or individuals who are prime contractors, subcontractors (to the extent known), architects, mechanical engineers, electrical engineers, civil engineers, structural engineers or geotechnical engineers
- Whenever a person or entity is referred to, the reference includes the person or entity and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, predecessors and successors in interest of or to the person or entity. For instance, a reference to a Subcontractor includes the Subcontractor and all partners, affiliates, subsidiaries, heirs, executors, administrators, assigns, insurers, predecessor businesses and successor businesses of the Subcontractor.

**ATTACHMENT 3 (continues)**  
**Lawsuits and Arbitrations by Subcontractor**

Use one Form per Lawsuit or Arbitration (Make Copies as Needed)

Case Name and Number including Name and Location of Court or Arbitration Service:

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Date Arbitration or Litigation Commenced: \_\_\_\_\_

Project or Contract Number: \_\_\_\_\_

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

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Project or Contract Number: \_\_\_\_\_

Project Location: \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

Name of Owner: \_\_\_\_\_

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Contact Person and Title: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

Description of Claims: \_\_\_\_\_

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Highest Amount Sought For All Claims: \$ \_\_\_\_\_

Amount Recovered: \$ \_\_\_\_\_

Date of Claim Resolution: \_\_\_\_\_

Method of Resolution (check one):     \_\_\_ Judgment  
                                                   \_\_\_ Arbitration Award  
                                                   \_\_\_ Settlement  
                                                   \_\_\_ Other (describe) \_\_\_\_\_

If the claims were resolved for less than 50% of the highest amount sought for all claims, state why the claims should not be considered unmeritorious design or construction claims asserted by or **on behalf of Contractor** and/or **persons or entities associated with Contractor**:

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**ATTACHMENT 3 (continues)**

**Lawsuits and Arbitrations against Subcontractor**

Use one Form per Lawsuit or Arbitration (Make Copies as Needed)

Case Name and Number including Name and Location of Court or Arbitration Service:

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Date Arbitration or Litigation Commenced: \_\_\_\_\_

Project or Contract Number: \_\_\_\_\_

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

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Project or Contract Number: \_\_\_\_\_

Project Location: \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

Name of Owner: \_\_\_\_\_

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Contact Person and Title: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

Description of Claims: \_\_\_\_\_

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Highest Amount Sought For All Claims: \$ \_\_\_\_\_

Amount Recovered: \$ \_\_\_\_\_

Date of Claim Resolution: \_\_\_\_\_

Method of Resolution (check one):  
 Judgment  
 Arbitration Award  
 Settlement  
 Other (describe) \_\_\_\_\_

If the claims were resolved for more than 50% of the highest amount sought for all claims, state why the claims should not be considered meritorious design or construction claims asserted against Contractor and/or persons or entities associated with Contractor: