AGENDA
WASTEWATER SUBCOMMITTEE MEETING
JANUARY 15, 2015, 8:30A.M.
PINOLE CITY HALL
2131 PEAR STREET
PINOLE, CA 94564

1.	**CALL TO ORDER – PLEDGE OF ALLEGIANCE**
2.	**ROLL CALL**
3.	**CITIZENS TO BE HEARD – FOR ITEMS NOT ON THE AGENDA**
4.	**PREQUALIFICATION OF BIDDERS FOR PLANT UPGRADE:** *RECEIVE A PRESENTATION ON THE PREQUALIFICATION PROCESS*
5.	**PROJECT UPDATE:** *RECEIVE A PROJECT STATUS UPDATE* • *PROJECT SCHEDULE AND BUDGET* • *RESULTS OF MEETING WITH STATE REVOLVING LOAN COMMITTEE*
6.	**MEETING DATE FOR SUBCOMMITTEE** CONSIDER REVISING THE MEETING DATE FOR THE SUBCOMMITTEE
7.	**ADDITIONAL COMMENTS AND REQUESTS FROM THE SUBCOMMITTEE**
8.	**ADJOURN TO THE NEXT REGULAR COMMITTEE MEETING**

POSTED: Friday, January 9, 2015 at 4:00 p.m. at City Hall

Ana Morales, Secretary, City of Pinole

AGENDA ITEM 4

TO: **WASTEWATER SUBCOMMITTEE**

SUBMITTED BY: **DEAN ALLISON**

MEETING DATE: **JANUARY 15, 2015**

SUBJECT: **PREQUALIFICATION PROCESS**

RECOMMENDATION

Discuss the Pre-qualification of bidders.

DISCUSSION

In 1999, the State of California enacted law that enables public agencies to require licensed contractors wishing to bid on certain public works jobs to "pre-qualify" for the right to bid. The law is captured in Public Contract Code Section 20101. Because of the complexities of the upgrades, this pre-qualification process will be used to screen contractors and increase the likelihood that the contract is awarded to someone with the financial strength, and construction experience to successfully complete the project.

The State of California has published a standard prequalification questionnaire document. The questionnaire consists of three sections,

> Part One asks contractors to provide basic information about their organization to assure that the firm has the proper license, adequate insurance, and financial strength to successfully complete the project.
>
> Part Two ask contractors to provide information about their history, organizational performance, and compliance with civil and criminal law.
>
> Part Three ask contractors to provide a resume of projects completed to assure that the firm has experience successfully completing similar projects.

Attached is the pre-qualification document that will be utilized for the upgrade project. The questionnaire is a slight modification to the State standard document. Those slight modifications include:

- A requirement that if awarded a contract, the contractor has the ability to obtain liability insurance with higher than normal limits; $5,000,000 per occurrence, and $5,000,000 aggregate
- A requirement that if awarded a contract, the contractor will obtain a City of Pinole business license

- A requirement that if awarded a contract, the contractor shall comply with City of Pinole's local policy of:
    - Encouraging Local Hire
    - Special Apprenticeship Program
    - Corporate Citizenship Policy

The schedule for the pre-qualification process fits well into the overall project schedule and will remain off the project's critical path.

The prequalification process, is an administrative process completed by staff. Stall will review the documents, grade the submittals based upon a scoring system, and determine those contractors that are qualified to submit a bid. The process requires contractors to submit sensitive financial documents, and thus documents submitted are not available for public review.

ATTACHMENTS

Notice Inviting Statements of Qualifications

DOCUMENT 00451C

CONSTRUCTION CONTRACTOR'S QUALIFICATION STATEMENTS
(PREQUALIFICATION PACKAGE)

NOTICE INVITING STATEMENTS OF QUALIFICATION

Statements of qualification may be received at the office of the

Director of Public Works, City of Pinole
2131 Pear Street
Pinole, California 94564

until 4 o'clock p.m. on the 4th day of March 2015,
at which time no more will be accepted for:

The Pinole-Hercules Water Pollution Control Plant Upgrade
Contract Number: _____

_____
Dean Allison, Director of Public Works / City Engineer

Prospective Bidders may obtain one set of prequalification documents at no cost at the office of the Director of Public Works at the address above.

The proposed work is generally described as upgrades to an existing water pollution control plant in Pinole, California.

For further information, call Dean Allison, Project Manager, at (510) 724-9010.

CONTRACTOR

PREQUALIFICATION PACKAGE

Pinole-Hercules Water Pollution Control Plant Upgrade

INSTRUCTIONS FOR CONTRACTORS

Prequalification documents will be received at:

City of Pinole
Director of Public Works, City of Pinole
2131 Pear Street
Pinole, California 94564

ARTICLE 1 - OVERVIEW

1.01 Prequalification documents **will not be accepted after 4:00 p.m, Wednesday March 4, 2015.** Prequalified Bidders will be notified of exact date of availability of Bidding Documents. Bidding Documents are expected to be available for the Pinole-Hercules Water Pollution Control Plant Upgrade in June 2015. 90% design documents are available for review at this time.

1.02 Prequalification of prospective contractor Bidders will be determined by the application of a pre-established pass/fail rating system to the following information to be submitted by prospective Bidders.

A. Statement of Financial Conditions.

B. Construction Experience.

C. Organization/Functions.

D. License.

E. Completion of Work by Surety.

F. Bonding Capacity.

G. Minimum Insurance Requirements.

H. Injury and Illness Prevention Program.

I. Statement of Experience.

J. Acknowledgement of ability to comply with Local Hiring Policy.

K. Acknowledgement of ability to comply with Project Labor Agreement.

1.03 Contractors <u>will be considered unqualified</u> from submitting Bids for the following conditions:

A. Do not have the correct license, or

B. Have had a surety finish work on any contract in the past 5 years, or

C. Do not meet minimum standards for bonding capacity (as described in the Prequalification Questionnaire), or

D. Cannot obtain minimum insurance requirements, or

E. Have numerous violations with Department of Labor Standards Enforcement, or

F. Do not have a qualified Project Manager and/or Field Superintendent experienced with similar projects, who will be assigned to this project, or

G. Have not completed at least one contract costing in excess of $30,000,000, in the past 5 years involving construction of the following:
   1. Construction of wastewater treatment plant improvements
   2. Construction of water-bearing concrete structures
   3. Rehabilitation of an active wastewater treatment plant..

1.04 The evaluation is solely for the purpose of determining which Bidders are deemed qualified for successful performance of the type of work included in this project in a timely manner. The contract will be awarded to the lowest responsible prequalified Bidder submitting a responsive Bid for this work.

1.05 A committee consisting of members of Owner's staff, the City of Hercules, the project Engineer, and other consultants selected by Owner will evaluate the completed Questionnaires and make recommendations to Owner. Owner will then determine and identify the qualified Bidders in accordance with the following timetable. Written notification of this determination will be sent to each Bidder.

1.06 **Protest and Appeal**. Those Bidders, if any, determined not to be qualified to do the work, will have an opportunity to file a written appeal of the determination within two (2) days after the date of the public meeting, although any delay or failure to do so will not extend the Proposal protest deadline. Any protest must be submitted in writing to City at the Office of the Director of Public Works, at the address specified above, before 2:00 p.m. of the fifth (5th) business day following the City's determination of the prequalified bidders. Protests must conform to the following:

A. The initial protest document must contain a complete statement of the specific basis (or bases) for the protest and must be accompanied by a certified or cashier's check made out to the "City of Pinole" in the amount two thousand dollars ($2,000) in order to reimburse the County for expenses in reviewing and handling the protests. This fee is non-refundable.

B. The protest must include the name, address and telephone number of the person representing the protesting party.

C. The bidder filing the protest must transmit a copy of the initial protest document and any attached documentation concurrently to all other parties with a direct financial interest that may be adversely affected by the outcome of the protest. Such parties shall include all other bidders with satisfactory Proposals.

D. The procedure and time limits set forth in this paragraph are mandatory and are a bidder's sole and exclusive remedy in the event of proposal protest. A bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue its proposal protest including the filing a Government Code Claim or instituting separate legal proceedings. A bidder may not rely on a protest submitted by another bidder, but must timely pursue its own protest.

E. If any such appeal is filed, Owner will consider the appeal at a public hearing and render a decision on the appeal. The decision of Owner regarding the appeal(s) announced at the public hearing will be final. The Bids of the qualified Bidders will be opened at a public meeting to be held at the offices of the Director of Public Works, City of Pinole, California. All other Bids will be returned unopened.

1.07 The following is a tentative timetable of Bidder prequalification and opening of Bids:

A. Prequalification Submittal - March 4, 2015

B. Prequalification package Review - March 4-25, 2015

C. Notice of Prequalification to Bidders - March 25, 2015

D. Public Hearing - TBD

1.08 The criteria which will be used to determine the lowest responsive and responsible Bidder are as follows:

A. Responsive Bidder: Means a Bidder who has submitted a Bid which conforms in all material respects to the Bidding Documents.

B. Responsible Bidder: Means a Bidder who has the capacity and capability in all respects to perform fully the contract requirements and who has the integrity and reliability to assure good faith performance. Among factors to be considered in determining whether the Bidder meets these standards, are:
   1. Financial, material, equipment, facility, and personnel resources and expertise necessary to meet contractual requirements;
   2. A record of integrity;
   3. A record of Successful Completion defined as: completion of a project on time within a reasonable time and budget.
   4. Qualified legally to contract with the Owner, and;
   5. Has not failed to supply any necessary information in connection with the inquiry concerning responsibility.

1.09 The City reserves the right to reject any or all responses to prequalification questionnaires and any or all Bids and to waive any irregularities in any response of Bids received.

1.10 Prospective Bidders desiring to be prequalified are hereby informed that they will be subject to and must fully comply with all of the requirements of the Bidding Documents, including the provision of a 100 percent payment bond and 100 percent performance bond, and all Affirmative Action Requirements and prevailing wage laws.

1.11 All information submitted for prequalification evaluation will be considered official information acquired in confidence and the Owner will maintain its confidentiality to the extent permitted by law.

1.12 The Bidder must have a minimum of 5 years' experience in projects similar in nature and scope to this project. At least 4 of the Bidder's Key Personnel must have minimum of 5 years' experience in similar construction projects. The Bidder must demonstrate Successful Completion of at least two (2) projects similar in nature and scope to this project and 1 project with a dollar value of not less than $30,000,000 , both within the past 5 years. The Bidder must demonstrate that it has an experienced employee who will serve as the scheduler; who is dedicated to this project; who has successfully employed scheduling techniques appropriate for this project. At least 2 Key Personnel for this project must have completed at least 2 projects, similar in scope and nature to the project being bid.

1.13 Definitions

A. Key Personnel: Defined as individuals who will be directly assigned to this project. Includes, but is not limited to, the Owner, the Principals of the Bidder, the Project Manager, the Project Superintendent, the Scheduler, the Bidder's Construction Engineer, and Supervisory personnel such as the Foremen who will be directly assigned to this project. Resumes of Key Personnel must be submitted and accepted by the Owner in order for Bidder to receive the Award.

B. Successful Completion: Defined as completion of a project within a reasonable time and budget.

1.14 Notice Regarding New Department of Industrial Relations Requirements. After January 1, 2015:

A. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

B. No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the

Department of Industrial Relations pursuant to Labor Code section 1725.5.

C. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

1.15 Notice Regarding Project Labor Agreement. On November 18, 2014, the Pinole City Council voted in favor of a Project Labor Agreement for the Pinole-Hercules Water Pollution Control Plant Upgrade. That Agreement has not been prepared and may not be available for review prior to the date for submission of the prequalification package, but will be made available prior to submission of bids.

PREQUALIFICATION QUESTIONNAIRE

Pinole-Hercules Water Pollution Control Plant Upgrade

GENERAL CONTRACTOR
CONTRACT NUMBER _____

City of Pinole, California

The Undersigned declares under penalty of perjury that all of the prequalification information submitted with this form is true and correct and that this Declaration was executed in _____ County, California, on _____.

For partnership only:
List all General Partners

_____
(Signature and Title)

_____ _____
(Typed Name and Title)

_____ _____
(Firm Name)

_____ _____
(Address)

_____ _____
(City and State)

_____ _____
(Telephone Number)

All information submitted for prequalification evaluation will be considered official information acquired in confidence and the City will maintain its confidentiality to the extent permitted by law. This includes the Contractor's Statement of Experience and Financial Condition to be submitted with this Questionnaire.

References contained in this Qualification Statement are an intricate part of Bidder's qualifications. References must be accurate. Bidder authorizes City and its representatives to verify any and all information contained in the Qualification Statement from references contained herein and hereby releases all those concerned providing information as a reference from any liability in connection with any information they give.

PART I: ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is "no."

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is "yes." If the answer to question 8 is "yes," and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

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1. Contractor possesses a valid and current California Contractor's license for the project or projects for which it intends to submit a bid.

   ☐ Yes ☐ No

2. Contractor has the ability to obtain liability insurance policy with a policy limit of at least **$5,000,000** per occurrence and **$5,000,000** aggregate.

   ☐ Yes ☐ No

3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.

   ☐ Yes ☐ No
   ☐ Contractor is exempt from this requirement, because it has no employees

4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information.[1]

   ☐ Yes ☐ No

   NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

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1. Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is $10 million, and 25 per cent of that amount, therefore, is $2.5 million.

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

☐ Yes ☐ No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

☐ Yes ☐ No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

Beginning date:_____ Ending date:_____

9. At any time during the last five 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 bidding or performance of a government contract?

☐ Yes ☐ No

PART II: ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, 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.

Name	Position	Years with Co.	% Ownership	Social Security #

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.**

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

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.

Name	Position	Years with Co.	% Ownership	Social Security #

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.**

Person's Name	Construction Company	Dates of Person's Participation with Company

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.**

Person's Name	Construction Company	Dates of Person's Participation with Company

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

1a. Date of commencement of joint venture. _____

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

Name of firm	% Ownership of Joint Venture

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 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.

2A. Has your firm operated under any other name during the past 10 years?

☐ 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.

3A. In what other lines of business do you or your organization (or any partner thereof) have financial interest?

3B. Name the persons with whom your company has associated in business as partners or business associates during the past 5 years:

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. State your firm's gross revenues for each of the last three years:

_____ _____ _____

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

6A. How many years' experience in the proposed type and size of construction work (i.e., wastewater plants) has your organization had as a general contractor?

7. Is your firm currently the debtor in a bankruptcy case?
☐ Yes ☐ No
If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

9. **LIST ALL CALIFORNIA CONSTRUCTION LICENSE NUMBERS, CLASSIFICATIONS AND EXPIRATION DATES OF THE CALIFORNIA CONTRACTOR LICENSES HELD BY YOUR FIRM:**

_____

_____

10. 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.

_____

_____

11. Has your firm changed names or license number in the past five years?
☐ Yes ☐ No
If "yes," explain on a separate signed page, including the reason for the change.

12. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?
☐ Yes ☐ No
If "yes," explain on a separate signed page, including the reason for the change.

13. 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 years?
☐ Yes ☐ No
If "yes," please explain on a separate signed sheet.

Disputes

14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with a public owner?
☐ Yes ☐ No
If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

15. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
☐ Yes ☐ No
If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

16. In the last five 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 bidder?

☐ Yes ☐ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

16A. Has any officer or partner of your Organization ever failed to complete a Contract?

☐ Yes ☐ No

If "yes," explain on a separate signed page. Identify the project, the owner, and the basis for the failure to complete.

* * * * *

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

17. In the past five years has any claim **against** your firm concerning your firm's work on a construction project been **filed in court or arbitration**?

☐ Yes ☐ No

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

18. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration**?

☐ 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).

* * * * *

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

☐ Yes ☐ No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. 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.

22. 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.

23. 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," 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.

Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

    Name of bonding company/surety: _____

    Name of surety agent, address and telephone number:

    _____

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

    _____

26. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

    _____

    _____

    _____

    _____

27. During the last five years, has your firm ever been denied bond coverage 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, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. 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 past five 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," attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
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.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?
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.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

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

_____

32. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:
NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

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 you may, if you wish, attach a letter of explanation.

33. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?
☐ Yes ☐ No
If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

33A. Has your organization been assessed any penalties for noncompliance violations of the Federal or State labor laws and/or regulations within the past 5 years?
☐ Yes ☐ No
If Yes, give details, including dates.

33B. Does your organization have any ongoing investigations by any agency regarding violations of the State Labor Code, California Business and Professions Code, or State licensing laws?
☐ Yes ☐ No
If Yes, give details, including dates.

Prevailing Wage and Apprenticeship Compliance Record

34. Has there been more than one occasion during the last five years in 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?

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.

☐ Yes ☐ No
If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public

agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

35. During the last five years, has there been more than one occasion in 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," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

36. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the City of Pinole.

_____

_____

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

(a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

(b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) 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 years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

_____

_____

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?
NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.
☐ Yes ☐ No
If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).

PART III: RECENT CONSTRUCTION PROJECTS COMPLETED

39. Contractor shall provide information about its six most recently completed waste water projects (as a general contractor, not as a subcontractor) within the last three years. Names and references must be current and verifiable. Use the form at Schedule A. Must include projects listed in Part 1 Section 1.03.G.

40. Contractor shall provide a list of current projects currently under construction. Include any projects that have been awarded by a public agency or any contracts that have been fully executed, but have not commenced work. (If joint venture, list each participant's projects separately.). Use the form at Schedule B.

41. Furnish on Schedule C, attached, details of the qualifications, experience and availability of Bidder's key personnel who will be directly involved in this project.

41A. Furnish, on Schedule D, a list of waste water projects that Contractor has completed with contract values in excess of $20,000,000 within the past 10 years. Please list projects even if they have already been listed on Schedule A.

PART IV: ADDITIONAL PRE-QUALIFICATION QUESTIONS

42. Does your company have an Injury and Illness Prevention Program as required by California Labor Code §6401.7 & California Code of Regulations Title 8 §1509?

☐ Yes ☐ No

If yes, provide a copy of the "Table of Contents."

In accordance with the California Labor Code (Sections 1770 et seq.), the Director of Industrial Relations has ascertained the general prevailing rate of per diem wages in the locality in which the work is to be performed for each craft, classification, or type of workman or mechanic needed to execute the contract. A copy of said determination is available in the office of the City Clerk, 2131 Pear Street, Pinole, California. All parties to the contract shall be governed by all provisions of the California Labor Code relating to prevailing wage rates (Sections 1770-1781 inclusive). The Contractor shall be responsible for compliance with Section 1777.5 of the California Labor Code for all apprenticeable occupations.

43. Does your firm meet the following minimum insurance requirements?

A. Workers' Compensation and Employers' Liability Insurance: The liability limits, as required by state law, shall be not less than:

Workers' compensation: Statutory
Employers' liability: **[$1,000,000]** [_____] each occurrence

B. Comprehensive Automobile Liability Insurance: The liability limits shall be not less than:

Bodily injury and property damage:**[$1,000,000]** [_____] combined single limit for each occurrence.

C. Commercial General Liability Insurance: The liability limits shall be not less than:

Bodily injury and property damage: **[$5,000,000]** [_____] combined single limit for each occurrence and **[$5,000,000]** [_____] general aggregate.

D. Umbrella Liability Insurance: The liability limits shall be not less than:

Bodily injury and property damage **[$4,000,000]** [_____] combined single limit for each occurrence**[$4,000,000]** [_____] general aggregate.

E. Property Insurance: Contractor shall purchase and maintain property

insurance coverage for the Work at the site in the amount of the full replacement cost thereof. This insurance shall be written on a Builder's Risk "all-risk" or open peril or special causes of loss policy form that shall at least include insurance for physical loss or damage to the Work, temporary buildings, falsework, Work in transit including ocean transit, and Work in storage at the project site or at another location acceptable to Owner, and shall insure against at least the following perils: fire, lightning, extended coverage, theft, vandalism and malicious mischief, earthquake, collapse, debris removal, demolition occasioned by enforcement of Laws and Regulations, water damage, and damage caused by frost and freezing.

☐ Yes ☐ No

44. Do you currently have a valid business license issued by the City of Pinole or will you acquire one if awarded this contract ?
☐ Yes ☐ No
If already licensed by the City of Pinole, please attach a copy of the license.

45. If awarded this contract, will you comply with the City of Pinole policy encouraging local hiring, as set forth in Pinole Redevelopment Agency Resolution No. 2010-74?
☐ Yes ☐ No

47. If awarded this contract, will you comply with the special apprenticeship graduation requirements set forth in City of Pinole Resolution 2004-11?
☐ Yes ☐ No
If "yes", please submit a detailed plan indicating how you will implement this Policy.

48. If awarded this contract, will you comply with the Corporate Citizenship policy set forth in City of Pinole Resolution 2006-13?
☐ Yes ☐ No
If "yes", please submit a detailed plan indicating how you will implement this Policy.

49. If awarded this contract, will you comply with the Project Labor Agreement?
☐ Yes ☐ No

* * * * * * *

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

(Name)

SCHEDULE A

MAJOR ENGINEERED CONSTRUCTION PROJECTS COMPLETED AS A GENERAL CONTRACTOR

lame, Location and Description of Project	Owner	Design Architect/Engineer	Dated Completed	Contract Price	Reference/Contact Include Address and Pho

SCHEDULE B

CURRENT PROJECTS UNDER CONSTRUCTION

me, Location and Description of Project	Owner	Design Engineer	Contract Price	Amount Completed	Date of Scheduled Completion	Reference/Contact Include Address and Phone

SCHEDULE C

KEY PERSONNEL

Name	Position	Date started with this organization	Date started in construction	Prior positions a experience in construction

SCHEDULE D

ASTE WATER CONSTRUCTION PROJECTS IN EXCESS OF $20 MILLION CONTRACT VALUE COMPLETED AS A GENERAL CONTRACTOR

me, Location and Description of Project	Owner	Design Architect/Engineer	Dated Completed	Contract Price	Reference/Contact Include Address and Phon

Appendix

City of Pinole Resolution 2004 – 11 Resolution establishing apprenticeship graduation requirement for hiring on City / Agency Public Works Projects

City of Pinole Resolution 2006 – 13, A Joint Resolution of the City Council and the Redevelopment Agency of the City of Pinole Adopting a policy encouraging Corporate Citizenship by companies doing business in the City of Pinole

City Council Resolution 2010 – 74; A Joint Resolution of the City Council and the Redevelopment Agency of the City of Pinole Adopting a Joint Policy Encouraging Local Hire through the requirements of Good Faith Efforts for City or Agency Funded Projects

CITY OF PINOLE
RESOLUTION NO. 2004-11

AND PINOLE REDEVELOPMENT AGENCY
RESOLUTION NO. 06-2004

RESOLUTION ESTABLISHING APPRENTICESHIP GRADUATION REQUIREMENT FOR HIRING ON CITY/AGENCY PUBLIC WORKS PROJECTS

WHEREAS, the City of Pinole and Pinole Redevelopment Agency undertake and anticipate expenditures of City/Agency funds for the demolition, construction, and alteration of City/Agency properties (hereinafter referred to as "public works projects"); and

WHEREAS, such public works projects have and will have a significant impact upon the City/Agency and the community it serves; and

WHEREAS, the successful completion of such public works projects is of the utmost importance to the City/Agency, the residents it serves and the surrounding community; and

WHEREAS, unemployment and underemployment of residents of the areas served by the City of Pinole and Pinole Redevelopment Agency continues to be of concern; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. On all City/Agency construction projects, each contractor or subcontractor performing work on the project shall, for each apprenticeable craft it employs, employ on its regular workforce the ratio of apprentices as required by Labor Code section 1777.5 who are enrolled and participating in an apprenticeship program approved by the State Division of Apprenticeship Standards that has graduated apprentices annually for at least the past five (5) years. This requirement applies to any craft for which the State of California, Division of Apprenticeship Standards has approved an apprenticeship program.

2. The graduation requirement for each of the preceding five (5) years shall not apply to any trade or craft not recognized by the Department of Labor and/or Division of Apprenticeship Standards as an apprenticeable occupation for more than nine (9) years immediately prior to the effective date of this policy.

3. Prior to commencing work on a project, each contractor or subcontractor must file with the District a certification of its compliance with this Policy and identity of the Apprenticeship Program(s) from which it will obtain apprentices for work on the project.

PASSED AND ADOPTED by the City Council and Agency Board of Directors of the City/Agency of Pinole, Contra Costa County, State of California, this 2nd day of March 2004, by the following vote:

AYES:	**Alegria, Boyle, Cole, Horton, Murray**
NOES:	**None**
ABSENT:	**None**
ABSTAINED:	**None**

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced and unanimously passed and adopted by the members of the Governing Board of the City of Pinole and Pinole Redevelopment Agency at a public meeting of said Board held on March 2, 2004.

Patricia Athenour, CMC
Deputy City Clerk

Chapter 2. California Apprenticeship Council
Subchapter 1. Apprenticeship
Article 10. Required Apprentices On Public Works Contract

§230.1. Employment of Apprentices on Public Works.

(a) Contractors, as defined in Section 228 to include general, prime, specialty or subcontractor, shall employ registered apprentice(s), as defined by Labor Code Section 3077, during the performance of a public work project in accordance with the required 1 hour of work performed by an apprentice for every five hours of labor performed by a journeyman, unless covered by one of the exemptions enumerated in Labor Code Section 1777.5 or this subchapter. Unless an exemption has been granted, the contractor shall employ apprentices for the number of hours computed above before the end of the contract. Contractors who are not already approved to train by an applicable joint apprenticeship committee or unilateral committee must request the dispatch of required apprentices from one of the applicable Apprenticeship Committees whose geographic area of operation includes the site of the public work by giving the committee actual notice of at least 48 hours (excluding Saturdays, Sundays and holidays) before the date on which one or more apprentices are required. However, if a non-signatory contractor declines to abide by and comply with the terms of a local committee's standards, the Apprenticeship Committee shall not be required to dispatch apprentices to such contractor. Conversely, if in response to a written request an Apprenticeship Committee does not dispatch any apprentice to a contractor who has agreed to employ and train apprentices in accordance with either the Apprenticeship Committee's Standards or these regulations within 72 hours of such request (excluding Saturdays, Sundays and holidays) the contractor shall not be considered in violation of this section as a result of failure to employ apprentices for the remainder of the project, provided that the contractor made the request in enough time to meet the above-stated ratio. If an Apprenticeship Committee dispatches fewer apprentices than the contractor requested, the contractor shall be considered in compliance if the contractor employs those apprentices who are dispatched, provided that, where there is more than one Apprenticeship Committee able and willing to unconditionally dispatch apprentices, a contractor who is not a participant in an apprenticeship program has requested dispatch from at least two committees.

(b) Apprentices employed on public works shall be paid the applicable apprentice prevailing per diem wage rate, available from DAS, and derived from the Director's survey of wages paid on public works in the geographic area of the craft or trade. DAS shall refer complaints alleging any contractor's failure to pay the proper apprentice prevailing wage rate on a public works project to the Division of Labor Standards Enforcement for investigation and appropriate action.

(c) Apprentices employed on public works can only be assigned to perform work of the craft or trade to which the apprentice is registered. Work of the craft or trade consists of job duties normally assigned to journeymen in the apprenticeable occupation. Where an employer employs apprentices under the rules and regulations of the California Apprenticeship Council, as set forth in Labor Code Section 1777.5(c)(2), apprentices employed on public works must at all times work with or under the direct supervision of journeyman/men. The on-the-job training shall be in accordance with the apprenticeship standards and apprenticeship agreement under which the apprentice is training, provided that a contractor shall not be subject to any financial or administrative obligations to a trust fund or employee benefit plan unless the contractor has so agreed.

(d) Contractors who have bid or have been awarded public works projects prior to January 1, 2000 and contractors who have bid prior to January 1, 2000 and have been awarded public works projects after January 1, 2000 shall comply with the provisions of Labor Code Section 1777.5 in effect prior to January 1, 2000, as implemented by California Apprenticeship Council regulations in effect prior to January 1, 2000.

CITY COUNCIL RESOLUTION 2006-13
REDEVELOPMENT AGENCY RESOLUTION 02-2006

A JOINT RESOLUTION OF THE CITY OF PINOLE AND ITS REDEVELOPMENT AGENCY ADOPTING A POLICY ENCOURAGING CORPORATE CITIZENSHIP BY COMPANIES DOING BUSINESS IN THE CITY OF PINOLE

WHEREAS, as part of its ongoing efforts to improve the quality of life for the City of Pinole, the City/Redevelopment Agency intends to encourage companies doing business with the City to make a good faith effort to on-going and committed corporate citizenship; and

WHEREAS, as part of its vision of community and economic development for the City, the City/Agency Board wishes to broaden, strengthen and stimulate the City of Pinole's economic base while at the same time fostering community support and participation; and

WHEREAS, the City Council/Redevelopment Agency Board of Directors ("Board") finds that the City's development of its community activities is hindered by non-participation by companies doing business in Pinole; and

WHEREAS, the Council/Board believes that one means of achieving its vision is to strongly encourage companies doing business with the City to adhere to a "Corporate Citizenship Policy" pledging on-going participation in community events and activities; and

WHEREAS, the Council/Board encourages companies to participate in civic activities sponsored by the Agency and/or City and the Board urges companies to become involved with local civic organizations and to actively participate in community activities; and

WHEREAS, to achieve these goals, the Council/Board has developed a policy by which it encourages companies within the City of Pinole, who receive any assistance, resources and or funding of any kind from the Agency, to make a good faith effort to become on-going and committed Corporate Citizens.

NOW, THEREFORE, BE IT RESOLVED, in order to satisfy the above goals, the City Council and the Redevelopment Agency Board of the City of Pinole hereby:

1. Adopts the "Policy of the City of Pinole and its Redevelopment Agency Encouraging Corporate Citizenship by Companies Doing Business in the City of Pinole," attached hereto as Exhibit A.
2. Directs the City Manager/Executive Director to ensure that a copy of the Policy is posted in City Hall and is distributed by the City and implemented by various means.

PASSED AND ADOPTED this 7th day of February 2006, by the following vote:

AYES:	**ALEGRIA, BOYLE, COLE, HORTON, MURRAY**
NOES:	**NONE**
ABSENT:	**NONE**
ABSTAIN:	**NONE**

PATRICIA ATHENOUR, CMC
Agency Secretary

POLICY OF THE CITY OF PINOLE AND ITS REDEVELOPMENT AGNECY ENCOURAGING CORPORATE CITIZENSHIP BY COMPANIES DOING BUSINESS IN THE CITY OF PINOLE

This policy, adopted by the Pinole City Council and Board of Directors of the Pinole Redevelopment Agency (jointly, "the City"), as part of its ongoing efforts to improve the quality of life for the City of Pinole, is intended to encourage companies doing business with the City to make a good faith effort to on-going and committed corporate citizenship.

As part of its vision of community and economic development for the City, the City wishes to broaden, strengthen and stimulate the City of Pinole's economic base while at the same time fostering community support and participation. The City believes that the City's development of its community activities is hindered by non-participation by companies doing business in Pinole. The City believes that there is a direct symbiotic relationship between the health and vitality of the City and the strength, vitality, and participation of business.

Further, the City finds that it is in the best interests of the City of Pinole to have a healthy local business community that participates regularly in community events and activities. The City believes that one means of achieving its vision is to strongly encourage companies doing business with the City to adhere to a "Corporate Citizenship Policy" pledging on-going participation in community events and activities.

The City encourages companies to participate in civic activities sponsored by the Agency and/or City. The City urges companies to become involved with local civic organizations and to actively participate in community activities. The City feels that there is a multitude of community events and activities that would be made stronger with corporate participation and/or sponsorship of some sort. Some examples include, but are not limited to, Summer Sounds in the Park, Pinole Outdoor Cinema, Holiday Tree Lighting Ceremony, Old Town Farmer's Market, Festival of the Arts at City Hall Plaza, A La Carte in the Park, 4th of July fireworks, Earth day, School for the Performing Arts, Coastal Clean-up, ground breakings and ribbon cuttings, and other community events. The Board also encourages participation in service organizations such as the Chamber of Commerce, Rotary, Pinole Youth Foundation, Pinole Senior Foundation, and others.

Thus, the City Council/Agency Board adopts this policy, by which it encourages companies within the City of Pinole, who receive any assistance, resources and or funding of any kind from the Agency, to make a good faith effort to become on-going and committed Corporate Citizens. The term "companies within the City of Pinole" includes any businessperson or business entity (1) with offices located in the City of Pinole; or (2) performing work in the City of Pinole, and (3) who have, at any time, received any assistance, resources, and/or funding from the Agency.

The City believes that policies such as this one that enhance the corporate/community relationship serve the public interest because the participation of such companies will have a significant positive impact on the community and economic health of the City.

COUNCIL RESOLUTION NO. 2010- 74
REDEVELOPMENT AGENCY RESOLUTION NO. 44-2010

A JOINT RESOLUTION OF THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY OF THE CITY OF PINOLE ADOPTING A JOINT POLICY ENCOURAGING LOCAL HIRING THROUGH THE REQUIREMENTS OF GOOD FAITH EFFORTS FOR CITY OR AGENCY FUNDED PROJECTS

WHEREAS, as part of its ongoing efforts to articulate a vision of economic development and vitality for the City of Pinole, the City Council and the Redevelopment Agency Board of Directors (jointly referred to herein as "City Council") wishes to broaden, strengthen and stimulate the City's economic base; and

WHEREAS, the City of Pinole has a high concentration of talented and skilled persons in various trades and industries who are competent to perform work throughout the Bay Area; and

WHEREAS, the City Council wishes to encourage the employment of local Pinole residents and businesses in conjunction with City or Agency funded construction projects; and

WHEREAS, the Board of Directors of the Redevelopment Agency of the City of Pinole ("Agency") have adopted Resolution No. 09-2005, encouraging local hiring by Employers in the City of Pinole; and

WHEREAS, the existing local hire policy, as written, encourages employers who receive assistance, resources and funding from the agency to make a good faith effort to hire residents of the City of Pinole; and

WHEREAS, the City Council wishes to strengthen the Policy of the Redevelopment Agency of the City of Pinole Encouraging Local Hiring By Employers in the City of Pinole, Resolution No. 09-2005, passed on February 1, 2005; and

WHEREAS, the City Council directed the City Attorney to enhance the process to document good-faith efforts outreach programs for both Agency and City funded construction projects in excess of $150,000; and

WHEREAS, the Proposed Policy, attached as Exhibit 1, is designed to encourage and enhance local hiring through the requirement of good faith efforts.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY BOARD OF DIRECTORS, that the attached Joint Policy Encouraging Local Hiring by Employers is hereby approved.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY BOARD OF DIRECTORS that the City Manager or her designee and the City Attorney are hereby authorized and directed, to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution and the policy.

****

PASSED AND ADOPTED by the City Council of the City of Pinole this 21st day of September, 2010, by the following vote to-wit:

AYES: COUNCILMEMBERS: Banuelos, Fujita, Long, Murray, Swearingen

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

PATRICIA ATHENOUR, MMC
CITY CLERK of the City of Pinole

Exhibit 1

A JOINT POLICY OF THE REDEVELOPMENT AGENCY OF THE CITY OF PINOLE AND THE CITY COUNCIL OF THE CITY OF PINOLE ENCOURAGING LOCAL HIRING BY EMPLOYERS IN THE CITY OF PINOLE THROUGH THE REQUIREMENT OF GOOD FAITH EFFORTS FOR PUBLIC WORKS PROJECTS

This Policy, adopted by the Board of Directors ("Board") of the Redevelopment Agency of the City of Pinole ("Agency") and the City Council of the City of Pinole ("City Council") on September 21, 2010, as part of the City's and Agency's ongoing efforts to articulate a vision of economic development for the City of Pinole, is intended to encourage employers that contract with the City to make a good faith effort to include Pinole residents in their workforce for public works projects.

I. FINDINGS

A. The Board and the City Council believe that the City's economic development is hindered by underutilization and unemployment of Pinole residents and wishes to broaden, strengthen and stimulate the City's economic base.

B. The Board and the City Council find that Pinole has a high concentration of talented and skilled persons in various trades and industries who are competent to perform work throughout the Bay Area.

C. The Board and the City Council seek to encourage local residents and local businesses to compete for City and Redevelopment Agency projects that are funded with local revenues.

D. The Board and the City Council find that a policy that encourages contractors who receive City of Pinole contracts to hire Pinole residents will benefit the City by expanding the employment base and encouraging local economic development.

E. This Policy is intended to complement existing City policies, including Resolution No. 09-2005, that encourage the employment and training of Pinole residents in connection with construction projects undertaken or sponsored by the City and/or the Agency.

II. DEFINITIONS

Agency means the Redevelopment Agency of the City of Pinole.

Bidder means any person or entity submitting a bid or sub-bid for a contract for a construction project in excess of $150,000 for the City of Pinole or the Redevelopment Agency of the City of Pinole.

City means the City of Pinole.

Contractor means a prime contractor or a subcontractor performing construction work related to a public works project for the City of Pinole or the Redevelopment Agency of the City of Pinole. Lower-tier subcontractors are included in this definition.

City Resident means an individual who is legally domiciled within the boundaries of the City immediately preceding the date of the Notice of Solicitation or bid advertisement by the City and who can verify his or her domicile upon request of the contractor or the City by producing documentation such as a rent/lease agreement, telephone and utility bills or payment bills, a valid California driver's license or identification card, and/or any other similar, reliable evidence that verifies that the individual is legally domiciled within the City.

Employers within the City includes any businessperson or business entity with either offices located in the City or maintaining a City business license.

This Policy means the Joint Policy of the Redevelopment Agency of the City of Pinole and the City Council of the City of Pinole Encouraging Local Hiring By Employers in the City of Pinole Through the Requirement of Good Faith Efforts for Public Work Projects.

Public Works Project means any project as defined by Cal. Public Contract Code §§ 20160 et. seq. and 20688.1, et. Seq, where the expenditure for such project is anticipated to be in excess of $150,000.

III. DECLARATION OF LOCAL HIRING POLICY

A. It is the policy of the City and the Agency to ensure full and equitable opportunities for City Residents to participate in the employment opportunities that arise from City or Agency public works contracts. In furtherance of this Policy, the City and the Agency have established a local good faith efforts hiring program to encourage the hiring and retention of City Residents or Employers within the City for work performed pursuant to public work contracts.

B. Therefore, unless such a provision would conflict with a state or federal law or regulation applicable to a particular contract, this Policy applies to all City or Agency contracts exceeding One Hundred and Fifty Thousand Dollars ($150,000) for materials and supplies contracts and/or construction contracts for public works projects.

IV. GOOD FAITH EFFORTS PROGRAM

A Bidder or Contractor will be deemed by the City to have made a "good faith effort" to hire City Residents, when, prior to execution of the contract with the City, the Bidder or Contractor has undertaken all of the following mandatory employee recruitment activities:

A. Telephone solicitation of known potential local subcontractors, City Residents or Employers within the City and documentation of such telephone solicitation on a City-approved telephone log, attached to this Policy as Attachment A;

B. Sending letters, which are in substantial conformance with the City-approved sample letter in Attachment B, to Employers within the City and/or City Residents that are known potential subcontractors, material or equipment suppliers informing them that the Bidder or Contractor is seeking sub-bids, material, and/or equipment suppliers for certain areas of work,

C. Submitting records document compliance with this Policy in substantial conformance with the summary sheet attached as Attachment C.

The existence of a crew or workforce usually employed by a contractor does not affect the contractor's responsibilities under this Policy.

V. REQUIRED DOCUMENTATION

A. At the time of submitting a bid, all Bidders must provide sufficient proof to the satisfaction of the Agency or City that such Contractor or Bidder of the contract work is in compliance with this Policy. Bidder must submit Telephone Logs in substantial compliance with Attachment A, Copies of Letters to local businesses in substantial compliance with Attachment B, and a Summary Record Documenting Compliance with this Policy, in substantial compliance with Attachment C. If these forms are not submitted at the time of bid opening, a Bidder's bid for a Public Works Project may be deemed to be non-responsive. However, the City Manager has discretion to require the submittal of the required documentation within five (5) days of bid opening.

B. During the term of the contract, the chosen Contractor must keep and provide to the Agency or City, on a form that substantially complies with Attachment C, an accurate record documenting compliance with this Policy. Such records may include: a listing by name and business address of all local recruitment sources contacted by the contractor; the date of the local recruitment contact and the identity of the person contacted; the number of hire referrals requested; the number of local hires made as a result of the contact; and the identity and business address of the person(s) hired pursuant to the contact.

C. During the term of the contract, the chosen Contractor must keep an accurate record on a standardized form, showing the name, place of residence, trade classification or description of work to be performed, hours employed, per diem wages and benefits, of each person employed by the contractor, and the contractor's subcontractors, to perform any work on the project pursuant to the contract with the City, including full-time, part-time, permanent and temporary employees and make such records available to the Agency or City upon request, within five (5) working days. The Contractor must also keep and make available to the Agency or City, a copy of the records submitted by the employee as evidence of local residency. California Labor Code Section 1776(e) shall apply to all such records.

D. All forms required under this Policy must be attested to as true as to the information set forth therein and must be submitted under penalty of perjury.

ATTACHMENTS

A: Sample Local Hiring Telephone Log

B: Sample Letter From Contractor or Bidder

C: Summary Record Documenting Compliance with Local Hiring Policy

ATTACHMENT A:
Sample Local Hiring Telephone Log

Project Title:
Name of Person Placing the Calls:
Work Area:

Date	Time	Company Name	Phone Number	Contact Person	Address	Selected? Y or N

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

Dated _____

Signature:_____

Printed Name:_____

Title:_____

ATTACHMENT B

Sample Letter From Contractor or Bidder

On Contractor Letterhead

[date]

Attn: Estimator
Construction Contractor / Subcontractor
Address
Pinole, CA

Re: Request for Subcontractor Bids

To Whom it May Concern:

ABC corporation is a construction firm who intends to submit a bid on the following City of Pinole Project

Project Name
Bid Due Date

We are seeking bids from local Pinole contractors or subcontractors at least one day prior to the bid due date to review. Please contact us immediately to submit a proposed scope of work.

The plans, specifications and copies of the City's proposal may be obtained at Pinole City Hall, 2131 Pear Street, Pinole, CA, and by contacting the public works office at (510) 724-9010.

Sincerely,

Project Manager

END OF DOCUMENT

AGENDA ITEM 5

TO: **WASTEWATER SUBCOMMITTEE**

SUBMITTED BY: **DEAN ALLISON**

MEETING DATE: **JANUARY 15, 2015**

SUBJECT: **PROJECT UPDATE**

RECOMMENDATION

Receive a project status report.

DISCUSSION

The project budget and overall schedule remain as reported at the December 2014 meeting.

There has been slippage in the schedule to complete the engineering plans, however, the overall project schedule is not impacted, and we anticipate advertising for bids in June 2015.

The schedule called for a mid December 2014 submittal of 90% plans. Plans were submitted in that timeframe; however, they were not 90% complete, and the plans were returned to HDR Engineering (HDR), for additional work. Staff will meet with HDR the week of January 12, 2014 and will report meeting results. Staff anticipates that final plans will be available in May 2015.

On Monday January 5, 2015 staff met with representatives of the State Water Resources Control Board in Sacramento to discuss the status of our loan applications. State representatives indicated that they are on track for loan approval in late March / early April 2015. They indicated that are completing efforts on the environmental and technical aspects of the applications and beginning to focus on the Finance Agreement. This means that the City Attorneys will become involved in the process and each city must execute an agreement with the State before the plans are advertised.

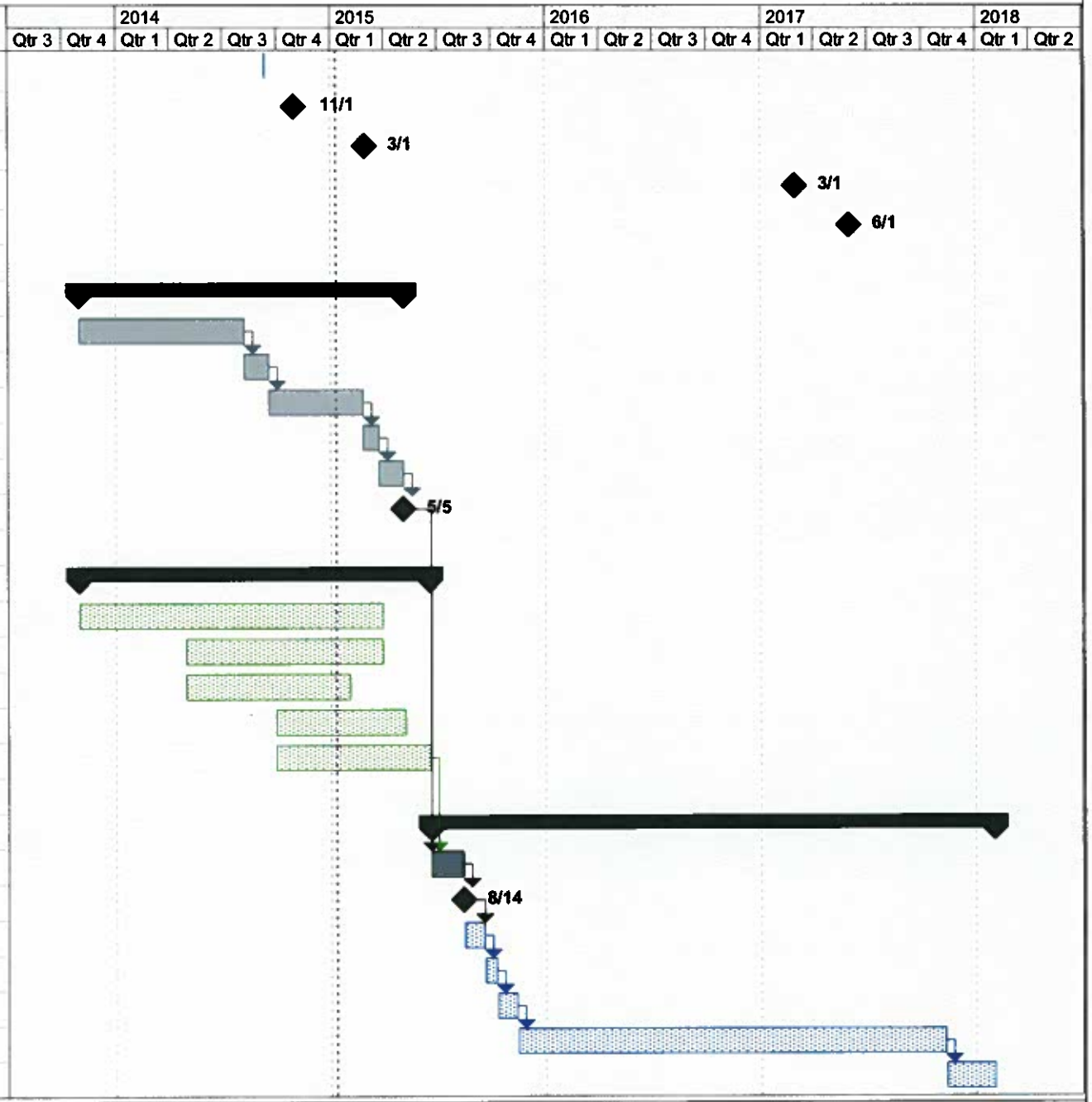
On Thursday January 8, 2015 staff met with a representative of the Regional Water Quality Control Board in Oakland to discuss project progress, and that fact that the deadline to complete engineering plans by November 2014 was not met, and that a deadline of March 2015 to begin construction will not be met. Our board representative requested a letter informing the Board of this, with an estimate as to when the remaining milestones will be met.

ATTACHMENTS

Project schedule dated January 2015
January 2015 schedule with changes highlighted
Engineer's Cost Estimate dated August 2014

Pinole Hercules Waste Water Plant Upgrades - Jan 2015

ID	Task Name
1	**Board Deadlines:**
2	Complete Design of Upgrades
3	Begin Construction of Upgrades
4	Complete Construction of Upgrades
5	Bring Projects OnLine
6	
7	**Engineering**
8	65% Design
9	Constructibility
10	Prepare 90% Plans
11	City Carollo Review of Plans
12	Prepare Final Plans
13	Plans Ready to Be advertised
14	
15	**Non Engineering**
19	Loan Approval with State Rev Loan
20	BCDC Permit
21	County Permit
22	Prequalification of Bidders
23	Fiscal Agmt / PLA
24	
25	**Construction**
26	Advertise Plans
27	Open Bids
28	Review Bids
29	Award Construction
30	Mobilization
31	Construction
32	Bring Improvements on Line



Pinole Hercules Waste Water Plant Upgrades - Jan 2015

ID	Task Name	Start	Finish	Duration
1	**Board Deadlines:**	Fri 9/12/14	Fri 9/12/14	1 day?
2	Complete Design of Upgrades	Sat 11/1/14	Sat 11/1/14	0 days
3	Begin Construction of Upgrades	Sun 3/1/15	Sun 3/1/15	0 days
4	Complete Construction of Upgrades	Wed 3/1/17	Wed 3/1/17	0 days
5	Bring Projects OnLine	Thu 6/1/17	Thu 6/1/17	0 days
6				
7	**Engineering**	**Fri 11/1/13**	**Tue 5/5/15**	**395 days**
8	65% Design	Fri 11/1/13	Thu 8/7/14	40 wks
9	Constructibility	Fri 8/8/14	Thu 9/18/14	6 wks
10	Prepare 90% Plans	Fri 9/19/14	Wed 2/25/15	23 wks
11	City Carollo Review of Plans	Thu 2/26/15	Tue 3/24/15	4 wks
12	Prepare Final Plans	Wed 3/25/15	Tue 5/5/15	6 wks
13	Plans Ready to Be advertised	Tue 5/5/15	Tue 5/5/15	0 days
14				
15	**Non Engineering**	**Fri 11/1/13**	**Fri 6/19/15**	**428 days**
19	Loan Approval with State Rev Loan	Fri 11/1/13	Tue 3/31/15	74 wks
20	BCDC Permit	Thu 5/1/14	Tue 3/31/15	48.2 wks
21	County Permit	Thu 5/1/14	Tue 2/3/15	40 wks
22	Prequalification of Bidders	Wed 10/1/14	Fri 5/8/15	32 wks
23	Fiscal Agmt / PLA	Wed 10/1/14	Fri 6/19/15	38 wks
24				
25	**Construction**	Mon 6/22/15	Fri 2/2/18	685 days
26	Advertise Plans	Mon 6/22/15	Fri 8/14/15	8 wks
27	Open Bids	Fri 8/14/15	Fri 8/14/15	0 days
28	Review Bids	Mon 8/17/15	Fri 9/18/15	5 wks
29	Award Construction	Mon 9/21/15	Fri 10/9/15	3 wks
30	Mobilization	Mon 10/12/15	Fri 11/13/15	5 wks
31	Construction	Mon 11/16/15	Fri 11/10/17	104 wks
32	Bring Improvements on Line	Mon 11/13/17	Fri 2/2/18	12 wks

DEC 2014 vs JAN 2015

Pinole Hercules Waste Water Plant Upgrades -

ID	Task Name	Start	Finish	Duration	Qtr 3
1	**Board Deadlines:**	Fri 9/12/14	Fri 9/12/14	1 day?	
2	Complete Design of Upgrades	Sat 11/1/14	Sat 11/1/14	0 days	
3	Begin Construction of Upgrades	Sun 3/1/15	Sun 3/1/15	0 days	
4	Complete Construction of Upgrades	Wed 3/1/17	Wed 3/1/17	0 days	
5	Bring Projects OnLine	Thu 6/1/17	Thu 6/1/17	0 days	
6					
7	**Engineering**	**Fri 11/1/13**	**Tue 3/17/15**	**360 days**	
8	65% Design	Fri 11/1/13	Thu 8/7/14	40 wks	
9	Constructibility	Fri 8/8/14	Thu 9/18/14	6 wks	
10	Prepare 90% Plans	Fri 9/19/14	Wed 12/10/14	23 ~~12~~ wks	2/25/2015
11	City Carollo Review of Plans	Thu 12/11/14	Wed 1/7/15	4 wks	3/24/2015
12	Prepare Final Plans	Thu 1/8/15	Tue 3/17/15	6 ~~10~~ wks	5/5/2015
13	Plans Ready to Be advertised	Tue 3/17/15	Tue 3/17/15	0 days	5/5/2015
14					
15	**Non Engineering**	**Fri 11/1/13**	**Fri 6/19/15**	**428 days**	
19	Loan Approval with State Rev Loan	Fri 11/1/13	Fri 2/27/15	74 ~~69.4~~ wks	3/31/2015
20	BCDC Permit	Thu 5/1/14	Tue 3/31/15	48.2 wks	
21	County Permit	Thu 5/1/14	Tue 2/3/15	40 wks	
22	Prequalification of Bidders(with PLA	Wed 10/1/14	Fri 6/19/15	38 wks	
23					
24	**Construction**	Mon 6/22/15	Fri 2/2/18	685 days	
25	Advertise Plans	Mon 6/22/15	Fri 8/14/15	8 wks	
26	Open Bids	Fri 8/14/15	Fri 8/14/15	0 days	
27	Review Bids	Mon 8/17/15	Fri 9/18/15	5 wks	
28	Award Construction	Mon 9/21/15	Fri 10/9/15	3 wks	
29	Mobilization	Mon 10/12/15	Fri 11/13/15	5 wks	
30	Construction	Mon 11/16/15	Fri 11/10/17	104 wks	
31	Bring Improvements on Line	Mon 11/13/17	Fri 2/2/18	12 wks	

Engineering Cost Estimate Plant Upgrades

Item	Engineer's Estimate Dated March 2013 In 2016 Dollars	Engineer's Estimate Dated August 2014 In 2016 Dollars
Headworks	$ 5,507,926	$ 6,167,000
Electrical	$ 2,340,041	$ 3,013,000
Secondary System	$ 14,350,410	$ 14,190,000
Chlorine Disinfection	$ 866,477	$ 2,553,000
Effluenct Pumping	$ 1,138,010	$ 1,235,000
Solids Handling	$ 3,682,253	$ 4,772,000
Confluence Structure Modification with Rodeo	$ 280,363	$ 32,000
Subtotal	$ 28,165,480	$ 31,962,000
Construction Contigency	$ 4,982,520	$ 4,150,000
Total Construction	$ 33,148,000	$ 36,112,000
Estimated cost of Engineering	$ 8,287,000	
Preliminary Engineering (Actual)		$ 700,000
Final Design (Actual)		$ 2,700,000
Construction Management (Actual)		$ 2,000,000
Engineering During Construction (Est)		$ 1,000,000
Subtotal Engineering	$ 8,287,000	$ 6,400,000
SUBTOTAL	$ 41,435,000	$ 42,512,000
NEW LINE ITEMS:		
Flood Walls around plant ($1.5M, currently not included)	$ -	$ -
Replace Public Restroom	$ 300,000	$ 300,000
Replace Corp Yard Storage Building	$ 500,000	$ 500,000
Park Mitigation	$ 200,000	$ 200,000
Street Mitigation	$ 200,000	$ 200,000
GRAND TOTAL	$ 42,635,000	$ 43,712,000

AGENDA ITEM 6

TO: **WASTEWATER SUBCOMMITTEE**

SUBMITTED BY: **DEAN ALLISON**

MEETING DATE: **JANUARY 15, 2015**

SUBJECT: **MEETING DATES FOR SUBCOMMITTEE**

RECOMMENDATION

Discuss a possible change to the regular meeting date for subcommittee meetings.

DISCUSSION

The subcommittee currently meets on the third Thursday each month. The City – County Engineering Advisory Committee (CCEAC) also holds their monthly meetings at 11am on the third Thursday. The CCEAC meeting is a useful venue for staff to remain in touch with important regional issues such as the clean water program, grant opportunities, and new legislation.

With the current conflict, staff has not been able to attend the CCEAC meetings on a regular basis. In December, I was asked to take on a leadership role in the organization. I would like to accept the leadership role, and request that the subcommittee consider revising our regular meeting date.

It is also pointed out the West County Mayors hold their regular meetings on the fourth Thursday each month.