

CITY OF GARDENA

REQUEST FOR QUALIFICATIONS (RFQ)

Sealed pre-qualification submittals may be delivered to the office of the City Clerk, City Hall, located at 1700 W. 162nd Street, Gardena, CA 90247 on or before **4:00 pm, Thursday, April 13, 2023**, for the purpose of pre-qualification for this project.

General Contractor Pre-Qualification

Gardena Community Aquatics & Senior Center Project

Job Number: JN 978

Engineer's Estimate \$12,000,000

Approved by



**Kevin Kwak
Assistant Public Works Director**

Pre-Qualification Questionnaires may be obtained at:

<https://cityofgardena.org/public-contracts>

at the following website

www.crplanwell.com

or by contacting Tim Shaw, Sr. Construction Manager, at

tshaw@griffinstructures.com

**CITY OF GARDENA
GARDENA COMMUNITY AQUATICS & SENIOR CENTER PROJECT, JN 978
REQUEST FOR PRE-QUALIFICATION OF GENERAL CONTRACTORS**

The City of Gardena seeks to pre-qualify General Contractors for the construction of Gardena Community Aquatics & Senior Center Project ("Project"), and now invites sealed pre-qualification submittals from General Engineering Contracting Class "A" and/or General Contracting Class "B" Contractors.

Notice is hereby given that the City of Gardena has determined that general contractor bidders on this Project must be pre-qualified prior to submitting a bid on this Project. The pre-qualification evaluation is solely for the purpose of determining which General Building Contractors are deemed qualified for the successful performance of the construction of the Project.

Only Class "A" or "B" Contractors that have been determined to be qualified under this process will be allowed to bid on the Project.

It is **mandatory** that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all requested materials, and be approved by the City of Gardena to be on the final qualified bidders list.

FILING OF SUBMITTALS:

All submittals must be filed in a sealed package with the City of Gardena, City Clerk's Office, located at 1700 W. 162nd Street, Gardena, California 90247, on or before **4:00 pm Thursday, April 13, 2023**, for the purpose of pre-qualification for this Project.

Pre-Qualification submittal packages may be obtained at the following websites:

<https://cityofgardena.org/public-contracts>

www.crplanwell.com

or by contacting:

**Tim Shaw, Sr. Construction Manager
Griffin Structures**

tshaw@griffinstructures.com

It is the sole responsibility of the Contractor to see that the Pre-Qualification Submittal is received before the stated deadline.

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PROJECT DESIGN TEAM

OWNER

CITY OF GARDENA
1700 W. 162nd Street
Gardena, CA 90247
Kevin Kwak (310) 217-9676

BUILDING ARCHITECT

SVA-Architects
6 Hutton Centre Drive, Suite 1150
Santa Ana, CA 92707
Robert Simons, Architect
(949) 8093380

LEAD CONSULTANT

RJM DESIGN GROUP
31591 Camino Capistrano
San Juan Capistrano, CA 92675
Eric Chastain (949) 493-2600

POOL ARCHITECT

Jones & Madhavan
Architecture Engineering
100 East Thousand Oaks Blvd
Thousand Oaks, CA 91360
Doug Jones (805) 777-8449

GEOTECHNICAL ENGINEER

Ninyo & Moore
475 Goddard
Irvine, CA 92618
Alfredo Rodriguez (949) 753-7070

PROJECT MANAGER

GRIFFIN STRUCTURES
1 Technology Dr., Bldg "I", Suite 829
Irvine, CA 92618
Tim Shaw (760) 908-7635
tshaw@griffinstructures.com

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PROJECT DESCRIPTION

The project will consist of a new, 11,916 SF, 2-story Community Aquatics and Senior Center, new swimming pool with shade structures, bleachers and separate pool equipment and storage building.

The overall complex is approximately 1.1 acres and the general scope for the project includes the following:

New 2-Story Community Aquatics & Senior Center

- **1st Floor**
 - Office spaces for Aquatics and Senior Center staff
 - Elevator
 - Kitchen
 - Activity spaces
 - Outdoor activity area
 - Lifeguard room
 - Storage & utility spaces
 - Restrooms
 - Locker rooms
 - Reception Area

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- Outdoor showers
 - Outdoor locker area
- **2nd Floor**
 - Programmable spaces for classes and community activities
 - Lounge and balcony space
- **New Pool**
 - 25-yard x 60'; 8-lane lap swimming area with a depth of 4' to 10'-2"
 - 45' x 55' shallow recreation and aquacise area, with a depth of 3' to 3'-9"
 - Permanent shade structures with steel support structures and tensioned fabric
- **New Pool equipment & storage building**
 - 1,284 SF
 - Electrical room
 - Pool storage
 - Pool mechanical equipment rooms
 - Trash enclosure
- **New Site Improvements**
 - New irrigation and landscaping
 - New fitness equipment
 - New site furnishings

NOTE: The above list is a representative list of items to be completed and is NOT meant to be 100% comprehensive.

The current tentative **Project Schedule** is as follows:

Pre-Qualification of Contractors:March – April 2023
Project Bidding:April 2023 – May 2023
Award Project:June 2023
Start Construction:July 2023

GENERAL

The City is seeking qualified Class “A” Engineering Contractors and/or Class “B” General Contractors with construction experience of at least five (5) projects demonstrating comparable experience. Please see Part III Similar Project Experience for a definition of “comparable experience.”

Each prospective Contractor must successfully complete the pre-qualification questionnaire, provide all requested materials in the required form, and be approved by the City of Gardena to be on the final qualified bidders list. The City of Gardena will not accept submission of incomplete or late documentation. Incomplete documentation will result in the rejection of the prospective Contractor.

Answers to all questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent

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reviewed or audited financial statements, with accompanying notes and supplemental information, are required.

City of Gardena reserves the right to unilaterally adjust, increase, limit, suspend, or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes significantly after pre-qualification to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below to appeal a pre-qualification rating.

PRE-QUALIFICATION SCHEDULE

Notice Inviting RFQ for Pre-Qualification Submittals:..... Tuesday,03/14/23
Final Date for Submission of Bidder Questions:.....Friday, 03/31/23
Final Date for Responses to Bidder Questions.....Friday,04/07/23
Submissions Due:.....4:00:PM,Thursday, 04/13/23
Selection Notification.....on or about 05/04/23

PRE-QUALIFICATION GUIDELINES

Each prospective Contractor must successfully complete the pre-qualification process outlined in this document. No other pre-qualification process completed for the City of Gardena will meet these requirements.

Prospective Contractors must submit “Statements of Qualifications” (SOQ) by completing the Pre-Qualification Submittal Questionnaire package. The City will not accept information or documents from other parties. Submission of incomplete and/or unclear Pre-Qualification Submittal Questionnaire or required materials will result in rejection of the prospective contractor.

Any questions or requests for information must be submitted in writing to:

Tim Shaw
Sr. Construction Manager
Griffin Structures, Inc.
Email: tshaw@griffinstructures.com

PREPARATION OF PRE-QUALIFICATION SUBMITTALS

The submittal information should be presented in a binder and separated by section dividers. Oversize drawings (larger than 11”x17”), if provided, should be folded and inserted into plastic carriers. Five (5) hard copies and one (1) electronic copy in *.PDF format of the Pre-Qualification Submittal shall be delivered to the City of Gardena. The completed Pre-Qualification Submittal should not exceed 50 pages. The City of

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Gardena reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted.

EVALUATION AND ANALYSIS

Pre-qualification of prospective contractors will be determined from the information submitted in each Pre-Qualification Questionnaire Submittal. The City of Gardena reserves the right to verify from other available sources the information provided by the Contractor and to rely upon such information gathered during the verification process. The City of Gardena's decision will be based on objective evaluation criteria. Further consideration of a prospective contractor's qualifications will be made only if the prospective contractor meets all of the following minimum requirements:

1. Submission of a properly completed and signed Declaration
2. Possession of the valid California Contractor's Class "A" and/or "B" License in good standing
3. Meet bonding capacity requirements
4. Meet insurance requirements
5. Demonstration of General Contractor's Comparable Experience
6. Demonstration of the Pool Sub-Contractor's Comparable Experience
7. Demonstration of the Pool Decking Sub-Contractor's Comparable Experience.
8. Project Manager/Field Superintendent Comparable Experience
9. No completion of work by surety in the last 10 years
10. Department of Industrial Relations history
11. Meet financial requirements
12. Litigation History

The Pre-Qualification Questionnaire Submittal Analysis Form that will be used to verify minimum qualifications is included. The City of Gardena will screen each responding prospective Contractor's statement for minimum qualifications and develop a list of Pre-Qualified Contractors.

City of Gardena reserves the right to reject any or all responses to pre-qualification questionnaires and any or all subsequent bids for construction projects, and to waive any irregularities in any response to the pre-qualification application.

While it is the intent of the pre-qualification questionnaire and required documents to assist the City in determining bidder responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City of Gardena from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work.

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All financial and proprietary information provided by prospective contractors will be kept confidential to the extent permitted by law. However, by submitting the pre-qualification packet, the Contractor agrees that the contents of the submittal may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, or in any appeal hearing. Also, the names of prospective contractors applying for pre-qualification status will be subject to disclosure.

APPEALS PROCEDURE

Any contractor who the City determines to not pass the pre-qualification process shall have the right to request review of the determination. The contractor shall request review by delivering to the Director of the City's Department of Public Services a written notice requesting a review. The contractor shall deliver such written notice to the Director within five (5) business days of being notified that the Contractor has been determined not to be qualified and the basis for the determination. The Contractor waives its right to challenge the City's decision if it fails to deliver the notice within the five (5) business days.

The Director or their designee shall conduct a determination hearing no later than ten (10) business days following receipt of the contractor's written notice. The hearing conducted by the Director shall be informal but will be an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and present reasons in opposition to the determination. The Director shall consider all evidence, information and arguments submitted by the contractor relevant to the City's determination, the City's response to such evidence, information and arguments, and any other information the Director deems relevant. Promptly following the hearing, the Director shall issue a written decision whether the contractor is qualified or not qualified.

Following the hearing, the contractor may further appeal to the City Manager of the City of Gardena a decision by the Director that the Contractor is not qualified. The Contractor must request a hearing before the City Manager by delivering to the City Clerk, with a copy to the Director, a written notice of appeal. The contractor must deliver the written notice of appeal within five (5) business days of the date of the Director's notice that the contractor is not qualified. The contractor waives its right to challenge the Director's decision if it fails to deliver the notice within the five (5) business days.

The City Manager shall hold a de novo hearing within ten (10) days of Contractor's written notice of appeal. The City Manager shall uphold or reverse the Director's decision based on the entire record, including the information and evidence presented to the Director and any additional information and evidence received by the City Manager at the hearing.

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Acknowledgement and acceptance of terms of appeals procedure described above:

Contractor

Printed Name

Signature

Title

Date

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The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. The undersigned hereby agrees and declares that receipt of this submittal by the City of Gardena does not constitute either a direct or implied guarantee to the Contractor that pre-qualification is or will be granted and also agrees to the procedures and conditions of the pre-qualification requirements described in the Pre-Qualification Document.

(1) Legal Name of Applicant (Contractor) _____

(2) Address of Applicant (Contractor) _____

(3) Phone Number _____ Fax _____

Email _____

(4) Applicant is a () Corporation () Partnership () Sole Proprietorship () Joint Venture

(5) If Contractor is a Corporation, name the State of Incorporation _____

(6) Total number of years the Contractor has been contracting _____

(7) Total number of years the Contractor has been in construction _____

(8) Banking institution authorized to provide corroboration of applicant's financial stability:

Name: _____

Address: _____

Contact: _____ Telephone _____

(9) Execution:

The undersigned is a legally authorized representative of the Contractor. The legal name of the Contractor is _____

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State of California

Contractor's License Number: _____ Type: _____

Expiration: _____

_____, being first duly sworn, says that all statements and information contained in this Submittal are complete and accurate and that this Submittal contains no false or deliberately misleading information.

Contractor

Printed Name

Signature

Title

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public in and for the State of _____

Residing at _____

Expiration Date: _____

END OF FORM

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PART I: ESSENTIAL REQUIREMENTS FOR QUALIFICATION

IMPORTANT NOTE:

Contractor may be immediately disqualified if the answer to any of questions 1 through 7 is “no.”

Contractor will be immediately disqualified if the answer to any of questions 8 through 12 is “yes.” If the answer to question 10 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Class “A” and/or “B” General Contractor’s License in good standing for this project for which it intends to submit a bid.
☐ Yes ☐ No
2. Contractor has (or can provide proof that they can obtain within ten (10) business days prior to award) an insurance policy(ies) consistent with Attachment C “City of Gardena – Insurance Requirements”.
☐ 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
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?
☐ Yes ☐ No

NOTE: A financial statement that is not either reviewed or audited by a Certified Public Accountant (CPA) 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.

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 that your current bonding capacity is at least \$15,000,000 for this project, and \$30,000,000 aggregate, should you be selected?¹
☐ Yes ☐ No

NOTE: Notarized statement must be from Surety Company, not an agent or broker.

¹ An additional notarized statement from the surety may be requested by the City of Gardena at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

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6. Contractor has completed at least five (5) comparable projects in the last ten (10) years? See Part III: Similar Project Experience Questionnaire for criteria.

☐ Yes ☐ No

7. Contractor has (or can provide proof that they can obtain within ten (10) business days prior to award) a professional liability (Errors & Omissions) insurance policy with a policy limit of at least \$1,000,000 per occurrence in addition to insurance requirements referenced in question #2 above.

☐ Yes ☐ No

8. Has your contractor's license been revoked at any time in the last ten (10) years?

☐ Yes ☐ No

If yes, please explain why: _____

9. Has a surety firm completed, or is in the process of completing, a contract on your behalf, or has paid for completion because your firm was default terminated by the project owner within the last ten (10) years?

☐ Yes ☐ No

10. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded any local, state or federal public works contracts, or perform as a subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?

☐ Yes ☐ No

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

Starting _____ Ending _____

11. At any time during the last ten (10) 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

12. In the last ten (10) 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.

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PART II: QUESTIONNAIRE

Section 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 percent (10%) 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 percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

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

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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 ten percent (10%) 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 percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.

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

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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 (5) years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) 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 (1) or more projects:

Name of firm	% Ownership of Joint Venture

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Section B. History of the Business and Performance

1. Has there been any change in ownership of the firm at any time during the last ten (10) 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.

2. Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm?

NOTE: Include descriptive and background information about other firms if one firm owns fifty percent (50%) 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.

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include descriptive and background 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.

4. State your firm's gross revenue for each of the last three (3) years:

2020

2021

2022

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

6. Was your firm in bankruptcy at any time during the last ten (10) years?

☐ 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 any other document that ended the case, if no discharge order was issued.

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Licenses

7. List all California construction license numbers, classifications and expiration dates of the California Contractor Licenses held by your firm:

8. 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 California Contractors State License Board (CSLB) records who meet(s) the experience and examination requirements for each license.

9. Has your firm changed names or license number in the past ten (10) years?

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

10. Has any owner, partner, or (for corporations) officer of your firm operated a construction firm under any other name in the last ten (10) years?

☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

11. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last ten (10) years?

☐ Yes ☐ No

If "yes," please explain on a separate signed sheet.

Disputes

12. At any time in the last ten (10) years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ 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.

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13. In the last ten (10) 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.

* * * * *

NOTE: The following two (2) 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 \$10,000.

14. In the past ten (10) 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).

15. In the past ten (10) 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).

* * * * *

16. At any time during the past ten (10) years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made

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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.

17. In the last ten (10) 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

18. 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.

19. 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.

20. 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.

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Bonding

21. Bonding capacity: _____

Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address, and telephone number:

22. If your firm was required to pay a premium of more than one percent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last five (5) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent (1%), if you wish to do so.

23. List all other sureties (name and full address) that have written bonds for your firm during the last five (5) years, including the dates during which each wrote the bonds:

24. During the last ten (10) 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.

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Section C. Compliance with Regulatory Requirements

25. 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 ten (10) 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,” attach 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.

26. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past ten (10) 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.

27. 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 ten (10) 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.

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

29. 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: _____

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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.

30. Within the last ten (10) 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.)

Prevailing Wage Compliance Record

31. Has there been any occasion during the last ten (10) 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.

32. During the last ten (10) years, has there been any 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.

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PART III SIMILAR PROJECT EXPERIENCE QUESTIONNAIRE

Part III is a verification of the answer provided in Part I Essential Requirements, Question 6. Respondents whose experience is not verifiable according to the following criteria shall be disqualified as failing to meet the Essential Requirements.

Contractor shall provide information about its five (5) most recent comparable projects, all of which must have been successfully completed within the last ten (10) years.

1. General Contractor Experience Requirements:

Minimum Requirements: All FIVE (5) of the projects submitted must be commercial projects for public use constructed in California, comparable in scale and quality with the Project, and have a contract value of at least \$10,000,000.

Additionally:

- (3) of the projects must be public use aquatic facilities and include all aspects of pool construction including, excavation, shell construction, pool electrical, pool plumbing, pool mechanical, and pool deck construction.
- (2) of the projects must demonstrate minimum (2) story structural steel construction, with deep pile foundations and/or mat slab foundation.

2. Specialty Sub-Contractor Experience Requirements

- The Aquatics Subcontractor must meet and provide evidence of the minimum experience requirements listed below
- The concrete Pool Deck Subcontractor must meet and provide evidence of the minimum experience requirements listed below

CITY OF GARDENA
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REQUEST FOR PRE-QUALIFICATION OF GENERAL CONTRACTORS

General Contractor Experience Requirements: Reference 1

Project Name: _____

Location: _____

Owner: _____

Owner Representative, address, email and phone number: _____

Architect or Engineer, address, email and phone number: _____

Description of Project, Scope of Work Performed: _____

Percentage of Base Contract subcontracted: _____

Total Value of Construction breakdown with initial contract award/final contract
sum: _____

Original Scheduled Completion Date: _____

Initial Contract time in days: _____ Time Extensions granted in Days: _____

Days Liquidated damages assessed: _____

Actual Date of Completion: _____

LEED (Yes / No): _____

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General Contractor Experience Requirements: Reference 2

Project Name: _____

Location: _____

Owner: _____

Owner Representative, address, email, and phone number: _____

Architect or Engineer, address, email and phone number: _____

Description of Project, Scope of Work Performed: _____

Percentage of Base Contract subcontracted: _____

Total Value of Construction breakdown with initial contract award/final contract
sum: _____

Original Scheduled Completion Date: _____

Initial Contract time in days: _____ Time Extensions granted in Days: _____

Days Liquidated damages assessed: _____

Actual Date of Completion: _____

LEED (Yes / No): _____

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REQUEST FOR PRE-QUALIFICATION OF GENERAL CONTRACTORS

General Contractor Experience Requirements: Reference 3

Project Name: _____

Location: _____

Owner: _____

Owner Representative, address, email, and phone number: _____

Architect or Engineer, address, email, and phone number: _____

Description of Project, Scope of Work Performed: _____

Percentage of Base Contract subcontracted: _____

Total Value of Construction breakdown with initial contract award/final contract
sum: _____

Original Scheduled Completion Date: _____

Initial Contract time in days: _____ Time Extensions granted in Days: _____

Days Liquidated damages assessed: _____

Actual Date of Completion: _____

LEED (Yes / No): _____

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General Contractor Experience Requirements: Reference 4

Project Name: _____

Location: _____

Owner: _____

Owner Representative, address, email, and phone number: _____

Architect or Engineer, address, email and phone number: _____

Description of Project, Scope of Work Performed: _____

Percentage of Base Contract subcontracted: _____

Total Value of Construction breakdown with initial contract award/final contract
sum: _____

Original Scheduled Completion Date: _____

Initial Contract time in days: _____ Time Extensions granted in Days: _____

Days Liquidated damages assessed: _____

Actual Date of Completion: _____

LEED (Yes / No): _____

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General Contractor Experience Requirements: Reference 5

Project Name: _____

Location: _____

Owner: _____

Owner Representative, address, email, and phone number: _____

Architect or Engineer, address, email, and phone number: _____

Description of Project, Scope of Work Performed: _____

Percentage of Base Contract subcontracted: _____

Total Value of Construction breakdown with initial contract award/final contract
sum: _____

Original Scheduled Completion Date: _____

Initial Contract time in days: _____ Time Extensions granted in Days: _____

Days Liquidated damages assessed: _____

Actual Date of Completion: _____

LEED (Yes / No): _____

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SWIMMING POOL SUBCONTRACTOR EXPERIENCE REQUIREMENTS

Subcontractor certifies that it meets the qualifications and experience requirements established in Swimming Pool General Requirements, Section 13 11 00, as follows:

1. Subcontractor has derived 50% of its annual revenue from public-use swimming pool construction for each of the last five (5) years.
2. Subcontractor has, in the last five (10) years, constructed at least five (5) commercially designed municipal and public-use swimming pools, each of which have incorporated a minimum size of 5,000 square feet of water surface area (250,000 Gallons) with a concrete and ceramic tile perimeter overflow gutter and self-modulating balance tank.
3. The following list of projects meet the requirements of section (b) above and the contact as reference by the Contractor, the Awarding Authority of their agent or designee.

a. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

b. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

c. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

d. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

e. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____

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Architect for Project: _____

CONCRETE POOL DECK SUBCONTRACTOR EXPERIENCE REQUIREMENTS

Swimming Pool Deck Subcontractor other than the swimming pool Subcontractor certifies that it meets the qualifications and experience requirements established in Swimming Pool General Requirements, Section 13 11 00, as follows:

1. Subcontract has, in the last five (10) years, constructed at least five (5) commercially designed cantilevered pool decks over perimeter gutters, each of which have incorporated a minimum size of 6,000 square feet of water surface area of the swimming pool.
2. The following list of projects meet the requirements of section (b) above and the contact as reference by the Contractor, the Awarding Authority of their agent or designee

a. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

b. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

c. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

d. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____
Architect for Project: _____

e. Owner: _____
Scope of Project: _____
Contact Person: _____
Phone Number: _____

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Architect for Project: _____

PART IV ORGANIZATIONAL RESOURCES

Staff Roster/Functions

1. Contractor shall furnish an organization chart that includes all supervisory positions anticipated to be assigned to the Project. Indicate therein which ones are full time on site and which are part time.

List key members of your staff whom you consider candidates to be assigned to work as a full-time team member resident on this Project and complete all requested information as shown below.

Key, full-time candidate team members must include, without limitation:

1. Project Manager and 2. Superintendent. Use separate sheets of paper that contain all of the following information:

Name: _____

Job Title: _____

Number of Years with Firm: _____

Proposed Function on the Project: _____

Number of Years in Current Position: _____

Number of Projects (in job function) Completed: _____

Number of Years in Construction Industry: _____

Minimum of two (2) projects, in a supervisory role, of similar type and scale as described in Section III: Similar Project Experience Questionnaire. On separate sheet provide project description, value, dates of construction, references and reference contact information for each project.

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification 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.

Signature

Date

Print Name

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A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

The scorable questions are in two sections as follows:

Part II – Section B History of the business and organizational performance;

Part II – Section C Compliance with occupational safety and health laws, workers' compensation and other labor legislation;

Note: This section includes only those questions that are “scorable” from the Part II Questionnaire. The following question numbers correspond to those used in the Part II.

The Scores Needed for Pre-Qualification

To pre-qualify, a contractor would be required to qualify under Part I, then have a passing grade within each of the two large categories in Part II referred to above.

Section B, “History of the business and organizational performance,”

The prospective contractor is required to meet a passing score of 51 on this portion of the questionnaire (of a maximum score of 68 on this portion of the questionnaire).

Section C, “Compliance with occupational safety and health laws, workers’ compensation and other labor legislation”

The prospective contractor is required to meet a passing score of 27 on this portion of the questionnaire (of a maximum score of 38 points on this portion of the questionnaire).

Questions about History of the Business and Organizational Performance

Section B

(14 questions)

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

3 years or more = 2 points

4 years = 3 points

5 years = 4 points

6 years or more = 5 points

6. Was your firm in bankruptcy at any time during the last ten (10) years?

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☐ Yes ☐ No

“No” = 3 points “Yes” = 0 points

11. Has any CSLB license held by your firm or its Responsible Managing Employee (“RME”) or Responsible Managing Officer (“RMO”) been suspended within the last ten (10) years?

☐ Yes ☐ No

“No” = 5 points “Yes” = 0 points

12. At any time in the last ten (10) years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes ☐ No

No projects with liquidated damages of more than \$10,000, or one (1) project with liquidated damages = 5 points

Two (2) projects with liquidated damages of more than \$10,000 = 3 points

Any other answer: 0 points

13. In the last ten (10) 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

“No” = 5 points “Yes” = 0 points

* * * * *

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 \$10,000.

14. In the past ten (10) years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?

☐ Yes ☐ No

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If the firm's average gross revenue for the last three (3) years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances

3 points for "Yes" indicating either 4 or 5 such instances

0 points for "Yes" if more than 5 such instances

15. In the past ten (10) 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 your firm's average gross revenue for the last three (3) years was less than \$50 million scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" if more than 2 such instances

If your firm's average gross revenue for the last three years was more than \$50 million scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances

3 points for "Yes" indicating either 4 or 5 such instances

0 points for "Yes" if more than 5 such instances

16. At any time during the past ten (10) 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

5 points for either "No" or "Yes" indicating 1 such claim

3 points for "Yes" indicating no more than 2 such claims

Subtract 5 points for "Yes" if more than 2 such claims

17. In the last ten (10) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

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☐ Yes ☐ No

5 points for either “No” or “Yes” indicating 1 such instance

3 points for “Yes” indicating 2 such instances

0 points for “Yes” or if more than 2 such instances

18. 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

“No” = 5 points “Yes” = subtract 5 points

19. 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

“No” = 5 points “Yes” = subtract 5 points

20. 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

“No” = 5 points “Yes” = subtract 5 points

22. 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 five (5) 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.

_____ %

5 points if the rate is no more than one per cent

3 points if the rate was no higher than 1.10 per cent

0 points for any other answer

24. During the last ten (10) 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

“No” = 5 points “Yes” = 0 points

Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws.

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Section C

(8 questions)

25. 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 ten (10) 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 the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance

3 points for “Yes” indicating 2 such instances

0 points for “Yes” if more than 2 such instances

If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances

3 points for “Yes” indicating either 4 or 5 such instances

0 points for “Yes” if more than 5 such instances

26. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past ten (10) 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 the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance

3 points for “Yes” indicating 2 such instances

0 points for “Yes” or if more than 2 such instances

If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances

3 points for “Yes” indicating either 4 or 5 such instances

0 points for “Yes” if more than 5 such instances

27. 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 ten (10) years?

**CITY OF GARDENA
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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 the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance

3 points for "Yes" indicating 2 such instances

0 points for "Yes" or if more than 2 such instances

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances

3 points for "Yes" indicating either 4 or 5 such instances

0 points for "Yes" if more than 5 such instances

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

3 points for an answer of once each week or more often

0 points for any other answer

29. 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: _____

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

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95 but no more than 1.00

0 points for any other EMR

30. Within the last ten (10) years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

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☐ Yes ☐ No

5 points for either “No” or “Yes” indicating 1 such instance

0 points for any other answer

31. Has there been any occasion during the last ten (10) 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?

☐ Yes ☐ No

If your firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No,” or “Yes” indicating either 1 or 2 such instance

3 points for “Yes” indicating 3 such instances

0 points for “Yes” and more than 3 such instances

If your firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating no more than 4 such instances

3 points for “Yes” indicating either 5 or 6 such instances

0 points for “Yes” and more than 6 such instances

32. During the last ten (10) years, has there been any 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 your firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either “No,” or “Yes” indicating either 1 or 2 such instance

3 points for “Yes” indicating 3 such instances

0 points for “Yes” and more than 3 such instances

If your firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating no more than 4 such instances

3 points for “Yes” indicating either 5 or 6 such instances

0 points for “Yes” and more than 6 such instances

**CITY OF GARDENA
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ATTACHMENT A

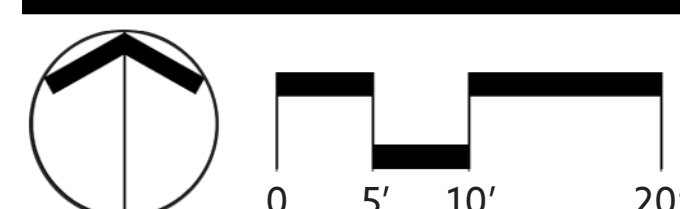
PROJECT RENDERINGS



PERSPECTIVE VIEW
CORNER OF 160TH ST AND LA SALLE AVE



07/06/2022



CONCEPTUAL RENDERINGS
COMMUNITY AQUATICS & SENIOR CENTER
CITY OF GARDENA, CALIFORNIA



AQUATIC CENTER ENTRY



POOL DECK / SHADE STRUCTURES



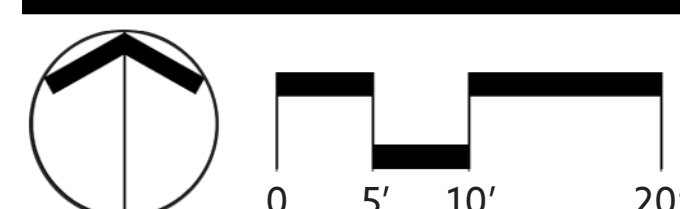
POOL DECK



EAST ELEVATION / COURTYARD ENTRANCE
VIEW FROM HARVARD BLVD



07/06/2022



CONCEPTUAL RENDERINGS
COMMUNITY AQUATICS & SENIOR CENTER
CITY OF GARDENA, CALIFORNIA



COURTYARD



OUTDOOR FITNESS AREA



PLAN VIEW

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ATTACHMENT B

Copy of City Standard Contract

CONTRACT DOCUMENTS (CD)

[PROJECT NAME]

PROJECT NO. _____ JN [###]

**To be Submitted
within twenty-one (21) calendar days**

**AFTER
Award of Contract**

CONTRACT DOCUMENT

PROJECT NO. JN ###

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20_____, by and between CITY OF GARDENA in the State of California, hereinafter referred to as "CITY" and _____, hereinafter referred to as "CONTRACTOR."

The City and the Contractor mutually agree as follows:

ARTICLE I.

THE PROJECT

For and in consideration of the mutual promises set forth herein, Contractor agrees to perform and complete in a good and workmanlike manner all work required by the Contract Documents for City Project No. JN, which is described as follows:

Title: [PROJECT TITLE]

Said work shall be performed in accordance with the Plans, Specifications and other Contract Documents, all of which are referenced in Article III hereof and incorporated herein as though fully set forth. Contractor shall furnish at its own expense all labor, materials, equipment and services necessary therefor, except such labor, materials, equipment and services as are provided in the Contract Documents to be furnished by City.

This project is subject to Skilled and Trained Workforce Requirements per Sections 2600 through 2603 of the Public Contract Code.

ARTICLE II.

CONTRACT SUM AND PAYMENT

For performing and completing the work in accordance with the Contract Documents, City shall pay Contractor, in full compensation therefor, the contract sum set forth in the Bidding Schedule. Said sum shall constitute payment in full for all work performed hereunder, including, without limitation, all labor, materials, equipment, tools and services used or incorporated in the work, supervision, administration, overhead, expenses and any and all other things required, furnished or incurred for completion of the work as specified in the Contract Documents. City shall make payments to Contractor on account of the contract sum at the time, in the manner, and upon the conditions specified in the Contract Documents.

ARTICLE III.

CONTRACT DOCUMENTS

The Contract Documents, which constitute the entire agreement between the City and the Contractor, are enumerated as follows: Proposal Documents, including the Notice Inviting Bids, Instructions to Bidders, Bidding Schedule, Bidder's Declaration, Designation of Subcontractors, Bidder's Assurance, and Fair Employment Practices documents; this Agreement; Standard Specifications; Special Provisions; Technical Provisions; Drawings; Plans; and all addenda issued prior to and all modifications issued after the execution of this Agreement. These form the Contract, and all are as fully a part of the Contract as if attached to this Agreement or repeated herein.

ARTICLE IV.

EFFECTIVE DATE

This Agreement shall become effective and commence as of the date set forth below on which the last of the parties, whether City or Contractor, executes said Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized.

CITY

By: _____
MAYOR (Sign)

Date: _____
SEAL

Attest:

By: _____
CITY CLERK (Sign)

Date: _____

CONTRACTOR

By: _____
Sign / Title

Date: _____

Attest: (Contractor)

By: _____
Sign / Title

Date: _____

APPROVED AS TO FORM:

By: _____
CITY ATTORNEY (Sign)

Date: _____

CONTRACT DOCUMENT

PROJECT NO. JN ###

FAITHFUL PERFORMANCE BOND

WHEREAS, the City of Gardena has awarded to _____, hereinafter designated as the "Principal", a Contract for:

PROJECT: [PROJECT TITLE]

WHEREAS, said Principal is required under the terms of said Contract to furnish a bond for the faithful performance of said Contract;

NOW, THEREFORE, we, _____
as Principal, and _____
as Surety, are held and firmly bound unto the City in the sum of _____

Dollars (\$ _____), this amount being not less than one hundred percent (100%) of the total Contract price, lawful money of the United States of America, for payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents. In case suit is brought upon this bond, the Surety will pay all court costs and reasonable attorneys' fees to the City of Gardena in an amount to be fixed by the court.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, well and truly keep and perform all the undertakings, terms, covenants, conditions and agreements in the said Contract and any alteration thereof, made as therein provided, all within the time and in the manner therein designated and in all respects according to their true intent and meaning, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

FURTHER, the Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, addition, or modification to the terms of the Contract, or of the work to be performed thereunder, or the specifications for the same, shall in any way affect its obligations under this bond, and it does hereby waive notice of any such change, extension of time, alteration, addition, or modification to the terms of the Contract or to the work or to the specifications thereunder. Surety hereby waives the provisions of California Civil Code §§ 2845 and 2849. The City is the principal beneficiary of this bond and has all rights of a party hereto.

This bond shall remain in full force and effect for a warranty period of one full year after acceptance of the job by the City.

IN WITNESS WHEREOF, three (3) identical counterparts of this instrument, each of which shall for all purposes be deemed an original thereof, have been duly executed by the Principal and

Surety named herein, on the _____ day of _____, 20____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

[PRINCIPAL]

By _____

Title _____

Signature

[SURETY]

By _____

Title _____

Address _____

Phone No. _____

Signature

All signatures must be notarized.

Appropriate modifications shall be made to this form if the bond is being furnished for the performance of an act not provided for by agreement.

Corporations must affix corporate seal.

CONTRACT DOCUMENT

PROJECT NO. JN ###

PAYMENT BOND

WHEREAS, the City of Gardena has awarded to _____, as Contractor, a contract for the work described as follows:

PROJECT: [PROJECT TITLE]

AND WHEREAS, said Contractor is required to furnish a bond in connection with said contract, to secure the payment of claims of laborers, mechanics, materialmen and other persons, as provided by law;

NOW, THEREFORE, we, the undersigned Contractor and Surety, are held firmly bound unto the City in the sum of _____ Dollars (\$_____) this amount being not less than one hundred percent (100%) of the total Contract price, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if said Contractor, its heirs, executors, administrators, successors, assigns, or subcontractors shall fail to pay any of the persons named in Civil Code Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed under the contract, or any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, or any other amounts due to persons under any applicable project contract or law, with respect to such work and labor, then the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond, the said Surety will pay all court costs and reasonable attorneys' fees to the plaintiff(s) and City in an amount to be fixed by the court.

This bond shall inure to the benefit of any of the persons named in Civil Code Section 3181 as to give a right of action to such persons or their assigns in any suit brought upon this bond.

Further, the Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, addition, or modification to the terms of the Contract, or of the work to be performed thereunder, or the specifications for the same, shall in any way affect its obligations under this bond, and it does hereby waive notice of such change, extension of time, alteration, addition, or modification to the terms of the Contract or to the work or to the specifications thereunder. Surety hereby waives the provisions of California Civil Code §§ 2845 and 2849.

This bond shall remain in full force and effect for six full months after the period in which verified claims may be filed as provided for in Section 3184 of the California Civil Code.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____ 20____.

[PRINCIPAL]

By _____

Title _____

Signature

[SURETY]

By _____

Title _____

Address _____

Phone No. _____

Signature

All signatures must be notarized.

Appropriate modifications shall be made to this form if the bond is being furnished for the performance of an act not provided for by agreement.

Corporations must affix corporate seal.

CONTRACT DOCUMENT

PROJECT NO. JN ###

WORKER'S COMPENSATION INSURANCE CERTIFICATE

The Contractor shall execute the following form as required by the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of the Contract.

DATED: _____

CONTRACTOR

By _____
Signature

Title

ATTEST:

By _____
Signature

Title

CONTRACT DOCUMENT

PROJECT NO. JN ###

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT AND WAIVER OF SUBROGATION AND CONTRIBUTION

[PROJECT TITLE]

To the fullest extent permitted by law, Indemnitor hereby agrees, at its sole cost and expense, to defend, protect, indemnify, and hold harmless the City of Gardena and its respective elected officials, officers, attorneys, agents, employees, volunteers, successors, and assigns (collectively "Indemnitees") from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith (collectively "Liabilities"), arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, or related to any act, failure to act, error, or omission of Indemnitor or any of its officers, agents, servants, employees, subcontractors, materialmen, suppliers or their officers, agents, servants or employees, arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, or related to the above-referenced contract, agreement, license, or permit (the "Agreement") or the performance or failure to perform any term, provision, covenant, or condition of the Agreement, including this indemnity provision. This indemnity provision is effective regardless of any prior, concurrent, or subsequent active or passive negligence by Indemnitees and shall operate to fully indemnify Indemnitees against any such negligence. This indemnity provision shall survive the termination of the Agreement and is in addition to any other rights or remedies which Indemnitees may have under the law. Payment is not required as a condition precedent to an Indemnitee's right to recover under this indemnity provision, and an entry of judgment against an Indemnitee shall be conclusive in favor of the Indemnitee's right to recover under this indemnity provision. Indemnitor shall pay Indemnitees for any attorney fees and costs incurred in enforcing this indemnification provision. Notwithstanding the foregoing, nothing in this instrument shall be construed to encompass (a) Indemnitees' sole negligence or willful misconduct to the limited extent that the underlying Agreement is subject to Civil Code 2782(a), or (b) the contracting public agency's active negligence to the limited extent that the underlying Agreement is subject to Civil Code 2782(b). This indemnity is effective without reference to the existence or applicability of any insurance coverages which may have been required under the Agreement or any additional insured endorsements which may extend to Indemnitees.

Indemnitor, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the Indemnitees, while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed by or on behalf of the Indemnitor regardless of any prior, concurrent, or subsequent active or passive negligence by the Indemnitees. Accountants, attorneys, or other professionals employed by Indemnitor to defend Indemnitees shall be selected by Indemnitees.

In the event there is more than one person or entity named in the Agreement as an Indemnitor, then all obligations, liabilities, covenants and conditions under this instrument shall be joint and several.

"Indemnitor"

Company/Contractor _____

Name & Title _____

Signature & Date _____

CONTRACT DOCUMENT

PROJECT NO. JN ###

INSURANCE

CERTIFICATION OF INSURANCE (COI) SHALL BE SUBMITTED BY THE CONTRACTOR

- 1. COMMENCEMENT OF WORK.** Contractor shall not be authorized to commence Work under this Contract until it has obtained approved insurance. Before beginning Work hereunder, during the entire period of this Contract, for any extensions hereto, and for periods after the end of this Contract as may be indicated below, Contractor must have and maintain in place not less than the insurance coverages required in this Section at his sole cost and expense. Contractor's insurance shall comply with all items specified by this Contract. Any subcontractors shall be subject to all of the requirements of this Section and Contractor shall be responsible to obtain evidence of insurance from each subcontractor and provide it to City before the subcontractor commences work. Alternatively, Contractor's insurance may cover all subcontractors. The insurance requirements are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by Contractor under this Contract.
- 2. INSURANCE COMPANY REQUIREMENTS.** All insurance policies used to satisfy the requirements imposed hereunder shall be issued by insurers admitted to do business in the State of California. Insurers shall have a current Best's rating of not less than A-:VII, unless otherwise approved by City.
- 3. COVERAGES, LIMITS AND POLICY REQUIREMENTS.** Contractor shall maintain the types of coverages indicated below:
- 4. COMPREHENSIVE GENERAL LIABILITY INSURANCE.** A policy of comprehensive general liability insurance written on a per occurrence basis in an amount not less than either one million dollars (\$1,000,000) per occurrence or two million dollars (\$2,000,000) aggregate.
- 5. COMMERCIAL AUTO LIABILITY INSURANCE.** A policy including all coverages provided by and to the extent afforded by Insurance Services Office form CA 0001, ed. 12/93, including Symbol 1 (any auto) with no special limitations affecting City. The minimum auto insurance coverage shall be one million dollars (\$1,000,000) combined single limit per accident.
- 6. WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE.** A policy which meets all statutory benefit requirements of the Labor Code, or other applicable law, of the State of California. The minimum coverage limits for said insurance shall be no less than one million dollars (\$1,000,000) per claim. The policy shall be issued by an insurance company which is admitted to do business in the State of California and shall contain a clause that the policy may not be canceled without thirty (30) days prior written notice, return receipt requested, is mailed to City.

In accordance with the provisions of section 1860 of the California Labor Code, Contractor's attention is directed to the requirement that in accordance with the provisions of section 3700 of the California Labor Code, Contractor and every subcontractor will be required to secure the payment of compensation of his or her employees, or obtain a certificate of

consent to self-insurance by the Director of Industrial Relations in accordance with the requirements of Section 3700 of the California Labor Code.

In accordance with the provisions of section 1861 of the California Labor Code, Contractor shall sign and file with the awarding body the following certification prior to performing any work on the Project:

"I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

7. POLICY REQUIREMENTS. The policies set forth above shall comply with the following, as evidenced by the policies or endorsements to the policies:

- (i) City and its appointed and elected officers, employees, agents and volunteers shall be added as additional insured to the policy as respects liabilities arising out of the performance of any work done under the Contract.
- (ii) The insurer shall agree to provide City with thirty (30) days prior written notice, return receipt requested, of any cancellation, non-renewal or material change in coverage.
- (iii) For any claims with respect to the Project covered by this Contract, Contractor's insurance coverage shall be primary insurance as respects City and its elected and appointed officers, employees, agents and volunteers. Any insurance or self-insurance maintained by City and its elected and appointed officers, employees, agents and volunteers shall be excess of Contractor's insurance and shall not contribute with it.
- (iv) The policy shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.

8. COURSE OF CONSTRUCTION INSURANCE. Contractor shall provide course of construction insurance covering for "all risks" of loss in the amount of the completed value of the Work. The City shall be named as a loss payee and the insurer shall waive all rights of subrogation against the City. This policy shall be issued by an insurance company which is admitted to do business in the State of California and shall contain a clause that the policy may not be canceled until thirty (30) days written notice, return receipt requested, is mailed to the City. Course of Construction Insurance may be provided for each separate Phase.

9. ADDITIONAL REQUIREMENTS. The procuring of required insurance shall not be construed to limit Contractor's liability hereunder nor to fulfill the indemnification provisions and requirements of this Contract. City shall notify Contractor in writing of changes in the insurance requirements. If Contractor does not deposit copies of acceptable insurance policies or endorsements with City incorporating such changes within sixty (60) days of receipt of such notice, Contractor shall be deemed in default hereunder.

10. DEDUCTIBLES. Any deductible or self-insured retentions must be declared to and approved by City. Contractor shall guarantee that, at the option of the City, either: the insurer shall eliminate or reduce such deductibles or self-insured retentions with respect to City, its officers, employees, agents and volunteers (with additional premium, if any, to be paid by Contractor); or Contractor shall provide satisfactory financial guarantee for payment

of losses and related investigations, claim administration and defense expenses in the amount of any deductibles or self-insured retentions.

11. VERIFICATION OF COMPLIANCE. Contractor shall furnish City with the required endorsements attached hereto. All documents are to be received and approved by City before Work commences. Not less than fifteen (15) days prior to the expiration date of any policy of insurance required by this Contract, Contractor shall deliver to City a binder or certificate of insurance with respect to each renewal policy, bearing a notation evidencing payment of the premium therefore, or accompanied by other proof of payment satisfactory to City. Contractor shall provide full copies of any requested policies to City within three (3) days of any such request by City.

12. TERMINATION FOR LACK OF REQUIRED COVERAGE. If Contractor, for any reason, fails to have in place, at all times during the term of this Contract, including any extension hereto, all required insurance and coverage, City may immediately obtain such coverage at Contractor's expense and/or terminate this Contract. Contractor shall indemnify, defend and hold harmless City and its elected and appointed officers, employees, agents and volunteers from any claim resulting from failure of either Contractor or any subcontractor to take out or maintain any insurance required by this Contract.

13. EQUIPMENT COVERAGE. Any policy or policies of insurance Contractor or his subcontractors elect to carry as insurance against loss or damage to construction equipment and tools or other personal property shall include a provision waiving the insurer's right of subrogation against City.