

REQUEST FOR CONTRACTOR QUALIFICATIONS

for

FOSTER CITY LEVEE IMPROVEMENTS CIP 301-657



**Public Works Department
City of Foster City
610 Foster City Boulevard
Foster City, California 94404**

February 2020

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NOTICE TO CONTRACTORS

Notice is hereby given that the City of Foster City (City) has determined that all contractors bidding on the Foster City Levee Improvements Project (CIP 301-657, hereinafter referred to as "Project") must be prequalified before submitting a bid. It is mandatory that all contractors who intend to submit a bid for the Project fully complete the Prequalification Questionnaire and provide all materials requested herein and be approved by the City to be on the final prequalified bidders list.

No bid for the Project will be accepted from a contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture or expect to submit a bid as a Joint Venture; only the Joint Venture itself will be allowed to bid if qualified. Otherwise each entity within the Joint Venture must be independently qualified to bid separately.

In the interest of brevity and clarity, all references to "contractor" in this Request for Qualifications shall mean a contractor submitting a Prequalification Submittal as a corporation, as an individual, as a partnership, or as a joint venture.

Following the solicitation of bids from prequalified contractors, and bidding for the Project, the City may award a construction contract to the lowest responsive, responsible bidder that has been deemed qualified through participation in this process. The City reserves the right to reject any and all bids from prequalified contractors, and to rebid the Project using any method it chooses, including another competitive bid without prequalification. This prequalification process applies to prospective bidders on this Project and this project only.

License Required

Contractors wishing to be prequalified for the work described in this Request for Qualifications shall possess a California Class "A" Contractor's License.

Filing of Prequalification Submittals

A contractor seeking prequalification must provide two (2) originally signed copies and one pdf of the fully completed Prequalification Questionnaire and all supplemental materials requested herein in a sealed package, clearly labeled "CONFIDENTIAL - Prequalification Submittal for Foster City Levee Improvements Project", to:

**City of Foster City, Public Works Department
Attn: Laura Galli
610 Foster City Boulevard
Foster City, CA 94404**

Submittals must be received no later than **2:00 pm on THURSDAY, APRIL 2, 2020**. Late submissions will not be accepted.

All submittals must be delivered in person by the contractor, delivered by courier or delivery service, or mailed via United States Postal Service. No facsimile or email will be accepted. Failure to provide a completed Prequalification Questionnaire before the time and date specified above precludes prequalification and subsequent participation in the bidding and construction of the Project.

Prequalification packages may be obtained, beginning on [February 19, 2020](#) in the City Public Works Department office between [9:00 AM and 12:00 PM](#) and between [1:00 PM and 5:00 PM.](#), Monday through Friday. Copies of the prequalification package are also available in electronic pdf format on the City's website:

<https://www.fostercity.org/publicworks/project/levee-protection-planning-and-improvements-project-cip-301-657>.

It is also noted that any contractor, whether the prime contractor or a subcontractor, performing steel sheet pile installation or mitigation planting for this Project will also be required to meet certain minimum experience qualifications that will be available at the time of bidding, and evaluated thereafter to identify the lowest responsible bidder. Inclusion of any contractor on the final prequalified bidders list as a result of the process described herein shall not be construed as an explicit or implicit indication from the City that the prequalified contractor is necessarily qualified to perform sheet pile installation or mitigation planting for the Project. The City reserves the right to fully evaluate contractor and/or subcontractor qualifications in conformance with the Project's contract documents.

Notification of Determination

Contractors that submit a Prequalification Questionnaire will be notified in a Notice of Determination regarding their qualification status, at least [10 calendar days prior to solicitation for bids](#). Contractors are advised that the act of submitting a Prequalification Questionnaire is not a guarantee that the City will determine that the contractor is prequalified. A list of prequalified contractors will be available during the bid period from the City.

Project Description

For the purposes of this Request for Qualifications (RFQ), the following definitions apply:

Embankment Construction	Construction of an earthen embankment using compacted fill. Includes preparation of the areas upon which fill is to be placed; the construction of temporary surcharge embankments above the grading plane; the construction of dikes; the importing and compacting of approved material where unsuitable material has been removed; and the placing and compacting of embankment material in depressions.
Bay Mud	Thick deposits of soft, unconsolidated silty clay saturated with water located in the immediate vicinity of San Francisco Bay. Bay Mud characteristics are low shear strength, high compressibility, and low permeability.

Construction in Environmentally Sensitive Area (ESA) Work within an area that is subject to conditions set forth in permits issued by one or more regulatory agencies with environmental jurisdiction; for example, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Dept. of Fish and Game, a State Water Quality Control Board, or Bay Conservation and Development Commission (BCDC).

Construction in Area Subject to Tidal Flooding Work within an area that is subject to periodic inundation from a source controlled by coastal tides, such as San Francisco Bay or Sacramento/San Joaquin Delta.

The Project generally consists of the completion of a series of flood protection improvements including steel sheet pile and concrete floodwalls adjacent to San Francisco Bay, Belmont Slough, and O'Neill Slough along existing levee and floodwall alignments; the construction of concrete and mechanically stabilized earth retaining walls; embankment construction using earth fill and lightweight cellular concrete fill; design-build bridge structures for pedestrians and vehicles; paving with asphalt concrete and decomposed granite surfaces; ornamental and mitigation landscaping with irrigation; and the installation of recreational amenities along the San Francisco Bay Trail. The total Project length is approximately 6.5 miles. The Project is located adjacent to environmentally sensitive Bay and marsh environments and is subject to tidal flooding.

A set of plans that generally show the proposed scope of work, prepared for regulatory permit approval, is available to prospective bidders for download: {link}

Project work generally includes:

1. Removal of interfering improvements along Project alignment, including trail signs, benches, trash receptacles, associated concrete pads, a concrete floodwall, and street lighting.
2. Selective demolition of existing reinforced concrete structures and steel railings to facilitate improvements.
3. Clearing and grubbing of existing earthen levee features, including removal of asphalt concrete paths and fill material as necessary for construction.
4. Protection of existing overhead and underground utilities throughout demolition and construction activities, including high voltage electric utilities, gas mains, sanitary sewer mains, etc. (Note that interfering utilities will be relocated during construction by their respective utilities.)
5. Dewatering and the construction of all temporary shoring systems required to complete the work.
6. Water pollution control and site protection measures.
7. Installation of steel sheet piling on top of existing levee/trail, to depths ranging from 10 feet to 20 feet below ground surface.
8. Foundation preparation and the import and placement of compacted engineered fill, including earth and lightweight cellular concrete.

9. Reinforced concrete floodwalls and stainless-steel cable railings.
10. Mechanically stabilized earth walls including geotextile reinforcement and stainless-steel cable railings.
11. A pre-engineered pedestrian bridge with design-build abutments and foundations.
12. Two pre-engineered vehicular bridges with design-build abutments and foundations.
13. Three flood barriers that operate based on hydrostatic head.
14. Paved pathways, signage, and other miscellaneous recreational improvements.
15. Soil preparation and landscaping using hydroseed, broadcast seed, and container plants.
16. Landscape irrigation.
17. Traffic and pedestrian control throughout construction.
18. Import of 60,000 CY of soil.

Available geotechnical information indicates the soils are typically clayey to gravelly fill materials underlain by very soft to medium stiff, highly compressible Bay Mud soils. Subsurface water may be encountered at any time. General geologic conditions are referenced in this RFQ for background information only. The City makes no attempt to hereby represent the actual geologic conditions that will be encountered during the work. Geotechnical reports will be made available later for prequalified contractor review during the Project's bid period.

The project will be constructed under relatively aggressive time constraints to meet critical regulatory deadlines for both environmental mitigation and flood protection. Construction may be limited to specific months of the year at certain sites to avoid impacts during the migration and breeding seasons of certain fish and wildlife species. Multiple crews and extended hours may be required to complete the project within the available work windows.

Table 1 generally describes the relative scope of each major project element for informational purposes only. Invitations to Bid are anticipated to be sent to prequalified bidders in [April/May 2020](#) with a target bid opening on [June 16, 2020](#). It is anticipated that a Contract may be awarded in [July 20, 2020](#) and, if so, the Project completion date would be in 2023. Quantities provided in Table 1 are to provide information about the scope of work only and shall not be construed as possible bid quantities.

Table 1. Description of Foster City Levee Improvements

Major Project Element	Approximate Quantity
Steel sheet pile floodwall 10 – 20 feet deep	Approximately 22,000 station ft.
Concrete floodwalls, various heights	6,000 LF
Mechanically stabilized earth retaining walls	7,000 LF
Stainless steel cable railing	9,000 LF
Lightweight cellular concrete fill	35,000 CY
Earthwork	45,000 CY
Pavement (concrete, AC, and DG; total)	600,000 SF

Exclusive Process

Each prospective contractor wishing to submit a bid on the Project must provide a complete Prequalification Submittal and must successfully be prequalified through the process outlined in this Request for Qualifications. No other prequalification process completed for the City or any other entity will meet these requirements.

Preparation of Prequalification Submittal

To be considered for prequalification, each contractor must provide a Prequalification Submittal which consists of the completed Prequalification Questionnaire, with all required attachments and supplemental information, bound into a complete package. The City requires complete answers to all questions in the Prequalification Questionnaire. The City reserves the right to deny prequalification as a result of an incomplete or unclear Prequalification Submittal. The City also reserves the right to cancel the RFQ or to reject any and all responses and Prequalification Submittals, or parts thereof, and to waive any technicalities or minor informalities if it determines, in its sole discretion, that such cancellation or rejection is in the best interest of the City.

Requests for Information

All questions or requests for information must be submitted in writing to the City, to the attention of Laura Galli, City of Foster City, Public Works Department, 610 Foster City Boulevard, Foster City, CA 94404, or via email to lgalli@fostercity.org. Requests for information shall be submitted no later than **4:00 pm on Thursday, March 12, 2020**. No late requests for information will be accepted. Responses to requests for information will be provided in writing on or before **Thursday March 19, 2020**. If a response is desired via email or facsimile, the requestor must provide an email or a facsimile number with their request.

Contractors shall only rely on information in this Request for Qualifications, and any subsequent written supplement issued by the City for the preparation of the Prequalification Submittal. Contractors shall not rely on any other written or oral statements of the City or its officers, directors, employees, or agents regarding

prospective projects or the Prequalification Questionnaire in preparing and submitting the Prequalification Submittal.

Evaluation and Analysis

The City will use the information obtained in the prequalification process to determine whether a contractor is qualified and responsible to bid on the Project. The City 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 will evaluate the information gathered during this prequalification process by using the objective criteria set forth in this document.

The City will evaluate the Prequalification Submittals on a pass/fail basis, using criteria shown immediately following each question on the Prequalification Questionnaire. To prequalify, contractors must pass each section of the questionnaire, and must not have given answers that, as stated on the questionnaire, would cause them to be immediately disqualified. The following pre-qualification sections must be filled out completely and submitted to the City to be considered:

- Part 1. Contact Information – Not scored
- Part 2. Essential Requirements for Qualifications – Pass/Fail
- Part 3. Contractor Qualifying Experience – Pass/Fail
- Part 4. Safety Record and Program – Pass/Fail
- CERTIFICATION (notarized)

The City reserves the right to deny pre-qualification where the requested information and materials are not provided, or not provided by the deadline for receipt of Prequalification Submittals stated above. In addition, a contractor may be found not prequalified based on omission of requested information or falsification of information. Additionally, the City reserves the right to disqualify contractors, before and after the opening of Prequalification Submittals, upon evidence of collusion with intent to defraud or other illegal practices upon the part of a contractor.

Effect of Prequalification

While it is the intent of this Request for Qualifications and the documents required therewith to assist the City in determining contractor responsibility before the bid of subject projects and to aid the City in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the City from a post-bid consideration and determination of Contractor responsibility. Moreover, the City expressly reserves the right to suspend or abandon the prequalification process at any time.

Notification

The City will notify each contractor as to whether its firm has been prequalified to bid on the Project through a Notice of Determination. Following issuance of a Notice of Determination, the City reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating of contractors based on subsequently learned information.

Appeals Procedure

If the City determines a contractor is not qualified or responsible to bid on the Project, the contractor has the right to appeal the City's denial of prequalification. Appeals of denial of prequalification shall be submitted in writing to Norm Dorais, Director of Public Works, at the address listed above for submittal of Prequalification Submittals, not later than 10 calendar days after the Notice of Determination is issued. A contractor may request the basis for the denial and any evidence relied upon by the City. The decision shall be final if no timely appeal is filed.

No contractor will have the right to appeal a determination that it is the result of a late submission or failure to certify a submission. An appeal shall be in writing specifying the specific grounds for appeal. All matters not set forth in the written request for reconsideration shall be deemed waived.

Upon receipt of an appeal, the City would designate a time to receive evidence and further shall establish the procedures for the appeal. The City Manager or designee would allow a disqualified bidder to rebut any evidence previously received by the City and to submit additional evidence of qualification.

The decision of the City Manager or designee shall be made prior to the receipt of bids to which the prequalification applies and shall be final.

Certification

Each questionnaire must be signed and notarized under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify City and provide updated accurate information in writing, under penalty of perjury.

Public Record

The pre-qualification packages (questionnaire answers and supplemental information) submitted by contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and Part 1 of the questionnaire will be used for that purpose.

PREQUALIFICATION QUESTIONNAIRE

All questions shall be answered in full, without exception on the forms provided. For convenience, this RFQ and all the forms are available in electronic format on the City website (under "Links") at:

<https://www.fostercity.org/publicworks/project/levee-protection-planning-and-improvements-project-cip-301-657>.

If copies of other documents will answer the question completely, or if additional space is needed, copies of such documents or additional pages may be attached and included in the Prequalification Submittal. All attached pages or other supporting documents shall be clearly labeled and cross-referenced to the applicable section and question in the Prequalification Questionnaire. The Prequalification Submittal shall be compiled as indicated herein and in the Notice to Contractors.

The City or its representative shall be entitled to contact each and every entity or person referenced in any response to any question in this questionnaire for the purpose of verifying the information provided by the contractor. The contractor, by completing the Prequalification Submittal, expressly agrees that any information concerning the contractor in possession of said entities and references shall be made available to the City without liability.

The contractor shall provide only complete and accurate information. The contractor hereby warrants that, to the best of its knowledge and belief, the responses contained herein are true, accurate, and complete. The contractor also acknowledges that the City is relying on the truth and accuracy of the responses contained herein. If it is later discovered that contractor knowingly provided false material information in response to a question said action shall constitute grounds for immediate termination or rescission by the City of any subsequent agreement with the contractor.

The contractor must sign and include with the Prequalification Submittal the Certification at the end of this questionnaire, certifying that the statements and information contained in this Prequalification Questionnaire are complete and accurate and that the Prequalification Submittal contains no false or deliberately misleading information. By signing the Certification, the contractor acknowledges that receipt of this submittal by the City does not constitute either a direct or implied guarantee to the contractor that prequalification is or will be granted. By signing the Certification and submitting this Prequalification Questionnaire, the contractor further agrees to be bound by the procedures and conditions of prequalification described in this Request for Qualifications.

The Prequalification Submittal, its completion and submission by the contractor, and its use by the City, shall not give rise to any liability on the part of the City to the contractor or any third party or person. This is **not** a solicitation for bid. No guarantees are made or implied that the projects will be let for bid or constructed, either in part or whole. The contractor accepts all risk and cost associated with the completion of the Prequalification Submittal without financial guarantee.

PART 1. CONTACT INFORMATION

Contractor must provide the following contact information to be considered for prequalification.

Firm Name: _____
(as it appears on license)

- Check One: Corporation
 Partnership
 Sole Proprietor
 Joint Venture

Contact Person: _____

Mailing Address: _____

Phone: _____ Email: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

If any of Contractor'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.

Has Contractor changed names or license number in the past five years?

Check one	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If "yes," explain on a separate attached sheet, including the reason for the change.

Gross Revenues

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

1. Current year (\$): _____
2. Previous year (\$): _____
3. Year prior to previous year (\$): _____

Bonding Capacity

Provide documentation from your surety identifying the following:

1. Name of Bonding Company/Surety: _____
2. Name of Surety Agent: _____
3. Address: _____
4. Telephone Number: _____

END PART 1

PART 2. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 3.A through 3.D is “No.”

A. Contractor possesses a valid and current California Class A Contractor’s license.

Check one Yes No

B. Contractor has attached a letter or certificate from their broker addressed to the City of Foster City which states the Contractor either currently has or can obtain a current Commercial General Liability Insurance policy with a policy limit of at least \$10,000,000 per occurrence and a \$20,000,000 aggregate (or a project-specific aggregate of \$10,000,000). Contractor also carries Commercial Auto Liability coverage with a limit of at least \$10,000,000 per accident. **Attach certificate of insurance verifying current insurance coverage.**

Check one Yes No

C. 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.

Check one Yes No

D. Contractor has 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 the Contractor’s current available bonding capacity is at least \$100 million.

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

Check one Yes No

Contractor will be immediately disqualified if the answer to any of questions 3.E through 3.I is “Yes.”

E. Has Contractor’s license been revoked at any time in the last five years?

Check one Yes No

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

Check one Yes No

G. At the time of submitting this Prequalification Questionnaire, is Contractor 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?

Check one	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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H. At any time during the last five years, has Contractor, 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?

Check one	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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I. Is Contractor currently the debtor in a bankruptcy case?

Check one	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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END PART 2

PART 3. CONTRACTOR QUALIFYING EXPERIENCE

Recent Projects of Similar Nature Completed by Contractor

Provide the information requested below. Provide information for each project on separate sheets. Do not provide separate project "fact" sheets or marketing materials. All information provided is subject to verification by the City.

Submit no more than six (6) projects of reasonably similar nature to the Project completed by the Contractor in the last five (5) years. For each project submitted, identify the specific features that meet the qualification requirements described below.

Minimum qualifying experience is scored on a pass/fail basis. It is the Contractor's responsibility to provide enough information about each project to evaluate qualifying experience, including current contact information for corroboration. Only the information provided in response to specific requirements below will be evaluated.

Minimum Contractor Qualification: The Contractor must have completed at least two projects with a total of 10,000 cubic yards of embankment construction over Bay Mud/soft/compressible foundation soils in an environmentally sensitive area; and a total of 2,500 lineal feet of sheet pile wall construction with a minimum depth of 20 ft.

This section is scored on a pass/fail basis and all the submitted projects will be evaluated to assess minimum qualification. Two of the submitted projects must pass.

For each Qualifying Project, provide the following information:

Project Name:
Project Owner:
Owner Reference:
Reference Telephone:
Project Description:
Specific Project Location:
Project Duration:
Year Completed:
Contract Value:
Quantity of Embankment Construction:

Describe in detail the elements of this project; include at a minimum the following information about the project:

- Describe the characteristics of existing foundation soils prior to construction and any special equipment or measures used
- Describe the nature of work performed in environmentally sensitive areas, describe work restrictions within the ESA, and what measures were implemented to protect ESA

END PART 3

PART 4. SAFETY RECORD AND PROGRAM

List the Contractor'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 attach a letter of explanation.

Scoring: *Pass = Three-year average EMR no more than 1.0*
Fail = Three-year average EMR over 1.0

END PART 4

END QUESTIONNAIRE

CERTIFICATION

The Contractor shall **sign and notarize** this Certification. Failure to include this Certification in the Prequalification Submittal will preclude prequalification and subsequent participation in the bidding and construction of the Project.

The undersigned is a legally authorized representative of the Contractor.

The legal name of the Contractor is: _____

State of California Contractor’s License Number, including all specialty license and certifications:

License Number: _____ Type: _____

License Number: _____ Type: _____

License Number: _____ Type: _____

Contractor’s Telephone Number: _____

* * * *

I, the undersigned, certify and declare that I have read all the foregoing answers provided in this Prequalification Questionnaire and know their contents. The matters stated in these answers are true of my own knowledge and belief, except as to those matters specifically 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.

Contractor

Printed Name

Signature

Title

Date

STATE OF CALIFORNIA)
)
COUNTY OF_) SS.

ON _____ BEFORE ME,
_____, A NOTARY PUBLIC, PERSONALLY
APPEARED _____, WHO PROVED TO ME ON
THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND
ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN
HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY
HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR
THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED,
EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND
CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary

(THIS SPACE FOR NOTARY SEAL)