

RESOLUTION No. 2016-2017-21

**RESOLUTION OF THE SOUTH PASADENA UNIFIED SCHOOL DISTRICT
IMPLEMENTING PREQUALIFICATION
OF CONSTRUCTION CONTRACTORS UNDER
PUBLIC CONTRACT CODE SECTION 20111.6**

WHEREAS, for construction contracts awarded on or after January 1, 2014, and until January 1, 2019, Public Contract Code Section 20111.6 requires the governing board of a school district with an average daily attendance over two thousand five hundred (2,500) to prequalify bidders for public works projects using any funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond for a public project with a projected expenditure of one million dollars (\$1,000,000) or more; and

WHEREAS, for purposes of Public Contract Code Section 20111.6 and public projects that fall within its purview, bidders shall include the general contractor and, if utilized, all electrical, mechanical, and plumbing subcontractors (licensed pursuant to Section 7058 of the Business and Professions Code, specifically contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses); and

WHEREAS, the standardized questionnaire and financial statement in a form specified by the school district ("Questionnaire") is required to include a complete statement of the prospective bidder's financial ability and experience in performing public works; and

WHEREAS, the Questionnaire and financial statement must be verified under oath by the bidder in the manner in which civil pleadings and civil actions are verified; and

WHEREAS, the Questionnaire is not a public record and is not to be opened to public inspection; and

WHEREAS, each Questionnaire submitted by a prospective bidder will be scored in accordance with an established point system; and

WHEREAS, Public Contract Code Sections 20111.6 requires any school district requiring prospective bidders to complete and submit a Questionnaire to adopt and apply a uniform system of rating bidders on the basis of the completed Questionnaire in order to determine if bidder will be deemed qualified to bid ("Uniform System"); and

WHEREAS, a school district may not accept a proposal from any potential bidder who is required to submit a Questionnaire in accordance with Public Contract Code Section 20111.6, but has not done so at least ten (10) business days prior to the date fixed upon the public opening of sealed bids, or has not been prequalified by the school district in accordance with Public Contract Code Section 20111.6(f) at least five (5) business days prior to the opening of sealed bids; and

WHEREAS, Notwithstanding the foregoing recital, pursuant to Public Contract Code Section 20111.6, a school district may establish a process for prequalifying prospective bidders

and may authorize their prequalification to be considered valid for up to one (1) calendar year following the date of initial prequalification;

NOW THEREFORE, THE GOVERNING BOARD OF THE SOUTH PASADENA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE:

Section 1. In accordance with Public Contract Code 20111.6, the Governing Board (“Board”) establishes a prequalification program for construction contracts awarded on or after January 1, 2014, until January 1, 2019 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, (“Prequalification Program”).

Section 2. The Prequalification Program shall utilize the Questionnaire attached hereto as Exhibit “A” and incorporated herein.

Section 3. In accordance with Public Contract Code Section 20111.6, the District adopts the Uniform System of allocating points set forth in the document attached hereto as Exhibit “B” with respect to the District’s review of any submitted Questionnaires. Any potential bidder who submits a Questionnaire that does not meet the above-referenced criteria set forth in this section shall be considered not qualified and rejected.

Section 4. The Questionnaire shall be completed by any potential bidder in conformance with Public Contract Code Section 20111.6.

Section 5. With respect to construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, each prospective bidder must be prequalified in conformance with the Prequalification Program prior to submitting a bid.

Section 6. In submitting any bids for construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more, and any future projects that require prequalification of contractors, the District will furnish each prospective bidder a standardized proposal form that when completed and executed, will constitute such potential bidder’s bid (“Proposal”).

Section 7. A Proposal shall not be accepted from any person or other entity for any construction contracts awarded on or after January 1, 2014 that receive funding pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 *et seq.*) or any funds from any future state school bond and involves a projected expenditure of one million dollars (\$1,000,000) or more who: (1) has not submitted a Questionnaire at least ten (10) business days prior to the date fixed for the public opening of the seal bids for such construction contract in accordance with Public Contract Code Section 20111.6(f), or (2) who has not been prequalified for at least five (5) business days prior to the public opening of seal bids for such contract, in accordance with Pubic Contract Code Section 20111.6(f).

Section 8. Once prequalified pursuant to this section, such prequalification shall be valid for up to one (1) calendar year following the date of initial prequalification.

Section 9. The Board hereby delegates to the District's Superintendent the authority to determine whether a potential bidder shall be considered prequalified.

Section 10. The Board hereby delegates to the District's Superintendent or his/her designee, the authority to hear and oversee prequalification determination appeals.

PASSED AND ADOPTED by the Governing Board of the **SOUTH PASADENA UNIFIED SCHOOL DISTRICT** on March 14, 2017, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTENTIONS: _____

I, Geoff Yantz, Secretary of the **SOUTH PASADENA UNIFIED SCHOOL DISTRICT** Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

Attest:

Secretary of the Board of Education
South Pasadena Unified School District