

ANNOUNCEMENT OF LANDSCAPE MAINTENANCE PREQUALIFICATION PROCEDURES AND OPEN DATES FOR ANNUAL PREQUALIFICATION

Notice is hereby given that the City of Oxnard (“City”) has determined that all bidders on the City’s landscape maintenance work must be prequalified before submitting bids for such work. It is mandatory that all contractors who intend to submit such bids fully complete the prequalification questionnaire, provide all materials requested herein, and be approved by the City to be on the final bidders list. No bid will be accepted from a contractor that has failed to comply with these requirements. If two or more business entities submit or expect to submit a bid on a project as a joint venture, each entity within the joint venture must be separately qualified to bid. If contractor prequalified for maintenance of the City’s community facilities districts, a waterways assessment district and landscape maintenance districts in 2017, contractor is prequalified for these projects and need not apply again.

Prequalification applications may be obtained on <https://www.oxnard.org/bid-announcements/> and submitted from July 1 to 10, August 1 to 10, September 1 to 10, and October 1 to 10. Contractors submitting a prequalification package will be notified by mail or email of their qualification status.

Answers to questions in the attached questionnaire, information about bonding capacity on an aggregate and per project limit, a notarized surety statement, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis of rating contractors with respect to the size and scope of contracts upon which each contractor is qualified to bid. The City reserves the right to check other sources. The City’s decision will be based on objective criteria.

Prequalification approval will remain valid for the all of 2017, except that the City reserves the right to limit, suspend or rescind prequalification ratings based on subsequently learned information after giving the contractor notice and an opportunity for a hearing consistent with the prequalification determination appeal procedures.

While it is the intent of the City that the prequalification questionnaire and documents required will assist in determining bidder responsibility before bid submissions and will aid the City in selecting responsible bidders, neither the fact of prequalification nor any prequalification rating will preclude the City from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

Prequalification packets should be submitted under seal and marked both “Landscape Maintenance Prequalification Package” and “Confidential” to City of Oxnard—Public Works Department, 305 W. Third Street—Second Floor, Oxnard, CA 93030, Attn: Renee Hatcher.

Each questionnaire must be signed under penalty of perjury in the manner designated on 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 the City, and provide, under penalty of perjury, updated written accurate information.

A contractor may be found not prequalified for bidding on a specific landscape maintenance contract to be let by the City, or on all such contracts to be let by the City, until the contractor meets the City’s requirements. In addition, a contractor may be found not prequalified for either omission or falsification of requested information. The City reserves the right to waive minor irregularities and omissions in the information contained in submitted prequalification applications, to make all final determinations, and to determine at any time that the prequalification procedures will not be applied to a future landscape maintenance project.

A contractor who has submitted a completed application form, and who receives a rating of “not qualified” may appeal that determination in accordance with the procedures provided at that time. There is no appeal from a finding that a contractor is not prequalified because of a failure to submit required information, but re-application during another designated time periods is permitted.

If a contractor is using subcontractors for a job, the City may require the subcontractors’ qualification following acceptance of a bid but before the award is made or a post-bid qualification review.

**PREQUALIFICATION
QUESTIONNAIRE**



FOR

**2017 LANDSCAPE
MAINTENANCE PREQUALIFICATION**

ANNUAL PREQUALIFICATION

In the rest of 2017, the City of Oxnard ("City") will be bidding projects for the maintenance of its parks, medians, parkways and other such areas. The projects will generally entail a combination of mowing, edging and trimming of landscape, soil aeration, dethatching, fertilization, weed and pest control, trash and debris removal and graffiti removal. Regular pruning and trimming of trees, shrubs, vines and groundcover as well as irrigation and property inspections may also be required.

This Prequalification Questionnaire applies to all of the City's landscape maintenance projects in 2017. Additionally, at any time the City may opt to not bid out one or more of its landscape maintenance projects and instead use City staff for such purposes.

A Prequalification Packet consists of one Prequalification Questionnaire with supplemental materials. If two or more entities intend to submit a bid(s) as part of a joint venture, each such entity must submit its own Prequalification Packet.

Prequalification Packets may be submitted four times: from July 1 through 10; from August 1 through 10, from September 1 through 10, and from October 1 through 10. A contractor may submit only one Prequalification Packet per designated time period. That means if the contractor submits a Prequalification Packet to the City on July 1st, and the City finds the contractor not qualified, the contractor may not submit another Prequalification Packet in that same July. However, the contractor may submit another Prequalification Packet to the City on August 1 through 10.

If contractor prequalified for maintenance of the City's community facilities districts, a waterways assessment district and landscape maintenance districts in 2017, contractor is prequalified for these projects and need not apply again.

CONTACT INFORMATION

Contractor Name: _____¹ Check One: Corporation/S-Corp
(as it appears on license) LLC

Fictitious Name, if any: _____² Partnership
 Solo Practitioner

Contact Person No. 1: _____

Title: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Contact Person No. 2: _____

Title: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

¹ This firm will be referred to as "Contractor" throughout this Prequalification Questionnaire.

² If Contractor is doing business under a fictitious name, provide a copy of the filed valid Fictitious Business Name Statement with your submitted Prequalification Packet.

* If Contractor is a solo practitioner or partnership, owner(s): _____

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 3 is “no.”

1. Does Contractor possess a valid and current California Contractor's C-27 license?
 Yes No

2. Does Contractor have current workers' compensation insurance policy as required by the Labor Code, or is Contractor legally self-insured pursuant to Labor Code section 3700 *et seq*?
 Yes No Contractor is exempt from this requirement, because it has no employees

3. Has Contractor attached its latest copy of a reviewed and audited financial statement with accompanying notes and supplemental information?
 Yes No

NOTE: A financial statement that is neither reviewed nor audited is unacceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and it is not a substitute for the required financial statement.

Contractor will be immediately disqualified if the answer to any of questions 4 through 7 is “yes.”

4. Has Contractor's license been revoked at any time in the last five (5) years?
 Yes No

5. Has a surety firm completed a contract on Contractor's behalf or paid for completion because Contractor was in default on any project within the last five (5) years?
 Yes No

6. At any time during the last five (5) years, has Contractor or any of its officers, owners, managers, members, general partners or limited partners been convicted of a crime involving the awarding of a contract of a government maintenance, construction and/or repair project or the bidding or performance of a government contract?
 Yes No

7. At the time of submitting a Prequalification Packet, is Contractor ineligible to bid on or be awarded a maintenance contract, or perform as a subcontractor on a maintenance contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?
 Yes No

If the answer is “yes,” state the dates of the period of debarment:

Beginning date: _____ End date: _____

PART II. ORGANIZATION, HISTORY, PERFORMANCE & COMPLIANCE WITH LAWS

A. Current Organization and Structure of the Business

8. If Contractor is:
- A corporation or s-corp, what was the date of incorporation?
 - An LLC or partnership, what was the date of formation?
 - A solo practitioner, what was the date of commencement of business? _____
9. If Contractor is:
- A corporation or s-corp, it was incorporated under the laws of what state?
 - An LLC or partnership, it was formed under the laws of what state?
(If Contractor is a solo practitioner, write "N/A.") _____
10. Provide all the following information for each person who is an officer (president, vice president, secretary, treasurer, etc.), manager, member, general partner, limited partner or owner of at least ten percent (10%) of the Contractor or, if a corporation or s-corporation, at least ten percent (10%) of the Contractor's stock. If you need more rows, continue on a separate signed page.

Name	Position	Years with Company	Percentage Ownership

* List all current and prior D.B.A.'s, aliases, and fictitious business names for any principal having interest in these bids. If any principal is doing business under a fictitious name, provide a copy of the filed valid Fictitious Business Name Statement with your submitted Prequalification Packet.

11. Identify every maintenance, construction and/or repair firm that any person listed in question 10 has been associated with—as officer, owner, manager, member, general partner, limited partner, or other owner of at least ten percent (10%) of the business, or if the business is a corporation or s-corporation, of its stock—any time during the last five (5) years. If you need more rows, continue on a separate signed page.

Name	Maintenance, Construction and/or Repair Company	Dates of Participation with Company

12. a. If Contractor is a solo practitioner, what is his or her social security number or INS-issued alternative identification number?

- b. List all of Contractor's current and prior D.B.A.'s, aliases and fictitious business names.

B. History of the Contractor and Organizational Performance

13. Has there been any change in ownership of the Contractor at any time during the last three (3) years?

NOTE: A corporation or s-corporation whose shares are publicly traded is not required to answer this question with a "yes" or "no," so select the third option.

Yes No The corporation or s-corp's shares are publicly traded.
If "yes," explain on a separate signed page.

14. Is the Contractor a subsidiary, parent, holding company or affiliate of another firm?

NOTE: Include information about other firms if one firm owns thirty percent (30%) or more of another or if an officer, manager, member, general partner, limited partner, or other owner owns at least ten percent (10%) of the firm (or of its stock if the firm is a corporation or s-corporation).

Yes No

If "yes," explain on a separate signed page.

15. What were Contractor's gross revenues for each of the last three (3) years (under the present business name and license number)?

2016: _____ 2015: _____ 2014: _____

16. Is Contractor currently the debtor in a bankruptcy case, or was the Contractor in bankruptcy at any time during the last five (5) 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. If the case ended, also attach a copy of the bankruptcy court's discharge order or any other document that ended the case if no discharge order was issued.

Licenses

17. List all California construction license numbers, classifications and expiration dates held by Contractor:

18. If one or more of Contractor's license(s) are held in the name of a corporation, s-corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet all of the requirements for each license.

19. Has Contractor changed names or license numbers in the past five (5) years?
 Yes No
If "yes," explain on a separate signed page, including the reason for the change.

20. Has any officer, manager, member, general partner, limited partner, or other owner of at least ten percent (10%) of the Contractor (or of its stock if the Contractor is a corporation or s-corporation) operated a maintenance, construction and/or repair firm under any other name in the last five (5) years?
 Yes No
If "yes," explain on a separate signed page, including the reason for the change and/or what happened to that other company.

21. Has any CSLB license held by the Contractor, its Responsible Managing Employee (RME) or its Responsible Managing Officer (RMO) been suspended within the last five (5) years?
 Yes No
If "yes," please explain on a separate signed sheet.

Disputes

22. In the last five (5) years, has Contractor been assessed and paid liquidated damages after completion of a project under a maintenance, construction and/or repair 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 the project began, the date the project should have been completed, the actual completion date, the amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

23. In the last five (5) years, has Contractor or any firm with which any of Contractor's officers, managers, members, general partners, limited partners, or other owners of at least ten percent (10%) of Contractor (or of its stock if Contractor is a corporation or s-corporation) were associated been debarred, disqualified, removed or otherwise prevented from bidding on or competing for any maintenance, construction and/or repair project for any reason?

NOTE: “Associated with” in this context refers to another maintenance, construction and/or repair firm in which Contractor’s officer, manager, member, general partner, limited partner, or other owner of at least ten percent (10%) of the business (or of its stock if the business is a corporation or s-corporation) held a similar position.

Yes No

If “yes,” explain on a separate signed page. State whether the firm involved was the Contractor applying for this prequalification or another firm. Identify by name the firm, the name of the person within Contractor who was associated with that firm, the year of the event, the owner of the project, a short summary of the project and the basis for the action.

24. In the last five (5) years, has Contractor or any firm with which any of Contractor’s officers, managers, members, general partners, limited partners, or other owners of at least ten percent (10%) of Contractor (or of its stock if Contractor is a corporation or s-corporation) ever had a contract terminated by an owner for any reason?

Yes No

If yes, explain on a separate signed page, identifying all such projects by owner and for each the owner’s address, the date of completion of the project, and a full explanation of why the contract was terminated.

25. In the last five (5) years, has Contractor been denied an award of a maintenance, construction and/or repair contract based on a finding by a public agency that Contractor 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.

26. In the last five (5) years, has Contractor been denied the ability to bid on any or all maintenance, construction and/or repair contracts for a particular time period, a specific maintenance contract, a specific construction contract and/or a specific repair contract based on a public agency determining that Contractor was not prequalified?

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 determination by the public agency.

27. In the past five (5) years, has any project owner filed any claim regarding a dispute of \$50,000 or more against Contractor concerning its work on a maintenance, construction and/or repair project in court or arbitration?

Yes No

If “yes,” on a separate signed page identify the claim(s) by providing the project name, date of the claim, name of the claimant, claimant’s contact information (phone number, address and email), a brief description of the nature of the claim and any defenses, the court or tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

28. In the past five (5) years, has Contractor filed any claim regarding a dispute of \$50,000 or more against a project owner concerning work on a project or payment for a contract in court or arbitration?

Yes No

If “yes,” on a separate signed page identify the claim(s) by providing the project name,

date of the claim, name of the claimant, claimant's contact information (phone number, address and email), a brief description of the nature of the claim and any defenses, the court or tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

29. In the past five (5) years, has any subcontractor filed any claim regarding a dispute of \$50,000 or more against Contractor concerning a maintenance project in court or arbitration?

Yes No

If "yes," on a separate signed page identify the claim(s) by providing the project name, date of the claim, name of the claimant, claimant's contact information (phone number, address and email), a brief description of the nature of the claim and any defenses, the court or tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

31. In the last five (5) years, has any insurance carrier for any form of insurance refused to renew the insurance policy for Contractor?

Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance, the year of the refusal, and the insurance company's explanation if one was provided as to the rationale behind its decision.

Criminal Matters and Related Civil Suits

32. Has Contractor or any of its officers, managers, members, general partners, limited partners, or other owners of at least ten percent (10%) of the business (or of its stock if Contractor is a corporation or s-corporation) ever been found liable in a civil suit or guilty in a criminal action for making any false claim or material misrepresentation to any client?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the client, the date of the investigation and the grounds for the finding. Provide documentation of the same.

33. Has Contractor or any of its officers, managers, members, general partners, limited partners, or other owners of at least ten percent (10%) of the business (or of its stock if Contractor is a corporation or s-corporation) ever been convicted of a crime involving any federal, state, or local law related to maintenance, construction and/or repair?

Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the client, the date of the conviction and the grounds for the conviction. Provide documentation of the same.

34. Has Contractor or any of its officers, managers, members, general partners, limited partners, or other owners of at least ten percent (10%) of the business (or of its stock if Contractor is a corporation or s-corporation) 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 (including the county if a state court or the district or location of a federal court), the year and the criminal conduct. Provide documentation of the same.

Bonding

35. If Contractor was required to pay a premium of more than one percent (1%) for a performance or a payment bond on any project(s) on which Contractor worked at any time during the last three (3) years, state the percentage that Contractor was required to pay. You may provide an explanation explain on a separate signed page for a percentage rate higher than one percent (1%) if you wish to do so.

_____ %

If the answer to the prior question was over one percent (1%), answer the next question. If not, write "N/A."

36. List all other sureties (name and full address) that have written bonds for Contractor during the last five (5) years, including the dates during which each wrote the bonds. If there are more than three (3) sureties, list the remaining ones on a separate signed page.

Bonding company/surety 1: _____ Dates: _____

Surety agent: _____ Phone: _____

Address: _____

Email: _____

Bonding company/surety 2: _____ Dates: _____

Surety agent: _____ Phone: _____

Address: _____

Email: _____

Bonding company/surety 3: _____ Dates: _____

Surety agent: _____ Phone: _____

Address: _____

Email: _____

37. During the last five (5) years, has Contractor ever been denied bond coverage by a surety company or has there ever been a period of time when Contractor had no surety bond in place during a maintenance, construction and/or repair project?
 Yes No
If yes, provide details on a separate signed page indicating the date when Contractor was denied coverage, the name of the company or companies that denied coverage, and the period during which Contractor had no surety bond in place.

PART III. COMPLIANCE WITH OCCUPATIONAL SAFETY & HEALTH LAWS AND OTHER LABOR LEGISLATION

38. What is Contractor's DIR registration number? (If you are not yet registered, please write "not yet registered.") _____
39. Has CAL OSHA or federal OSHA cited and assessed penalties against Contractor for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five (5) years?
NOTE: If Contractor has filed an appeal of a citation, and the OSHA Appeals Board has not yet ruled on its appeal, or if there is a court appeal pending, you need not include information about it.
 Yes No
If "yes," attached a separate signed page describing each such citation, including information about the date of the citation, the nature of the violation, the project on which the citation was issued, and the amount of penalty paid, if any. If the citation was appealed to the OSHA Board and a decision has been issued, state the decision, the case number and the date of the decision.
40. In the past five (5) years, has the EPA, any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either Contractor or a project owner in which Contractor was the contractor or a subcontractor?
NOTE: If Contractor has filed an appeal of a citation and the Appeals Board has not yet ruled on that 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.
41. Within the last five (5) years, has there ever been a period when Contractor 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 (5) years. (If Contractor has been in the maintenance, construction and/or repair business for less than five (5) years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that Contractor has been in business.)

42. Has there been more than one occasion during the last five (5) years in which Contractor was required to pay either back wages or penalties for Contractor's failure to comply with prevailing wage laws?

NOTE: This question refers only to Contractor'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, 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 Contractor was required to pay.

43. In the past five (5) years, have any workers, unions or the Labor Commissioner filed a claim regarding a dispute of \$50,000 or more against Contractor or issue any written requests for a late payment of \$50,000 or more to Contractor concerning its work on a maintenance, construction and/or repair project in court or arbitration?

Yes No

If "yes," attach a separate signed page identify the claim(s) by providing the project name, date of the claim, name of the claimant, claimant's contact information (phone number, address and email), a brief description of the nature of the claim and any defenses, the court or tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

PART IV. RECENT LANDSCAPE MAINTENANCE PROJECTS

On a separate signed page, Contractor must list the last six (6) projects it has worked on or is currently working on, along with the name of the relevant project manager(s). Of these listed projects, please list as many as possible completed for the City of Oxnard.

Names and references must be current and verifiable. Use separate signed pages that contain all of the following information:

1. Project name
2. Location
3. Owner entity
4. Owner's contact information: name, current phone number and current email
5. Scope of work
6. Original contract amount
7. Final amount paid
8. What was the schedule for services (e.g., mowing once every other week)

You may, but are not obligated to, explain why a final contract amount differed from the original amount (e.g., change orders, extra work, other circumstances), the substance and outcome of any claims you or the owner filed against each other, or any other relevant information.

PART V. CERTIFICATION

I, the undersigned, certify and declare that I have read all the answers and supplemental materials in this Prequalification Packet, and I know its contents. I certify under penalty of perjury that I have provided complete and truthful information to the City regarding all information requested in this Prequalification Questionnaire. I understand that any misrepresentations or material omissions within this Prequalification Packet will be grounds for not prequalifying the Contractor, withdrawing any prior prequalification, or not awarding a contract to Contractor. Additionally, any misrepresentations or material omissions within this Prequalification Packet are considered breaches of any and all subsequent landscape maintenance contracts (should the Contractor be awarded such contracts); the City shall have the right to terminate such contracts immediately without penalty, and the City retains all other legal rights available to it for breach of contract.

I, the undersigned, hereby give permission to the City of Oxnard and its employees, representatives and agents to contact references of Contractor and/or its officers, managers, members, general partners, limited partners and other owners (collectively, the "Owners") and/or request information from other clients for whom Contractor and/or its Owners have worked. This permission includes the City reviewing any criminal records of the Owners and obtaining public records regarding the Contractor and Owners, such as records of arrests, indictments, convictions, civil judicial actions, tax liens, and outstanding judgments. I have authority to waive, and I do waive, any and all rights and claims Contractor and its Owners, employees, representatives and agents may have against the City, its employees, representatives and agents, as well as any client or its employees, representatives and agents providing feedback or the mentioned records regarding any actions taken pursuant to, related to or incidental to, the authorization given in this paragraph.

I am executing this Prequalification Packet on behalf of Contractor. I warrant and represent that: 1) I am listed in the Contractors State License Board's record(s) for Contractor; 2) I have the authority to execute this Prequalification Questionnaire on behalf of Contractor; 3) I have the authority to bind Contractor to the answers provided in this Prequalification Questionnaire; and 4) if any information provided herein becomes inaccurate, I will immediately notify the City and provide updated accurate information in writing, under penalty of perjury.

(Please sign in ink.)

Date: _____

Contractor's Name

Name 1 and Title

Name 2 and Title

The City requires the following: for a corporation or s-corporation, two signatures: (1) the Board President, CEO or Vice President, and (2) the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer; for an LLC, two signatures, both of whom must be managers of the LLC; and for a partnership or limited partnership, the signatures of all partners. If your entity has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind Contractor.