



City College of San Francisco Chinatown North Beach Campus Bid Package 8.13 General Labor - Phase 3

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Note: Lines in bold font indicate forms that need to be filled out and included with subcontractor's bid.

DOCUMENT 00210

INSTRUCTIONS TO BIDDERS

In this form, references to the “Contractor” refer to Bovis Lend Lease, Inc. and references to “Subcontractor” refer to the Bidder.

Bids are requested for the Chinatown North Beach Campus Project as follows:

1. **PREQUALIFICATION.** It is imperative that the project team have a complete understanding and concurrence with the potential bidder’s experience, safety record, and financial strength prior to letting an award. In fairness to potential bidders, this concurrence may be communicated prior to incurring the time and expense of developing a bid proposal. If a bidder would like to review their prequalification forms with a Bovis Lend Lease, Inc. representative prior to the bid date in order to determine the likelihood of being prequalified, then please contact Jessica Vass at (415) 693-9982.

We will also be holding pre bid conferences (reference Item No.14 below) which will provide bidders the opportunity to get an understanding of the scope of work and the Contractor’s requirements.

2. **RECEIPT OF BIDS.** Sealed Bids will be accepted until the date and time indicated on **Document 00415 – Bid Form**. The District and Contractor will reject all Bids received after the specified date and time, and will return such Bids to those submitting Bids unopened. Bidders must submit Bids in accordance with this Instruction to Bidders (Document 00210). Each Bid shall be submitted in **2** opaque sealed envelopes and shall clearly state:
Chinatown/ North Beach Campus – Main Building and Annex Building BID
Bid Package number
Bid Package name
Subcontractor name
ENVELOPE Number (#01 or #02, read Item No. 3 below)

For Subcontractors submitting bids for more than one bid package, each bid package must be submitted separately with the identification requirements stated above and with all the forms indicated below.

3. **BID SUBMISSION.** Each Bid submitted shall contain all items listed in this document (Section 00210). The Bids are to be delivered to the Bovis Lend Lease, Inc. San Francisco Main Office at 71 Stevenson Street, Suite 800, San Francisco, CA 94105 Attention to Jessica Vass.

The Bid must contain the following, fully executed documents in each respective sealed envelope:

ENVELOPE #01:

- 1) Document 00460 Contractor Prequalification Form.
- 2) Document 00465 Contractor Prequalification Safety Questionnaire.

NOTE: If the Pre-qualifications are not met, then the bidder may be notified that the bid may be deemed non-responsive. If any bidder feels that they have extenuating circumstances and would like to challenge the minimums outlined in the Pre-qualifications, then they must contact Bovis Lend Lease, Inc. in writing at least 96 hours prior to bid due date to receive written authorization to bid the project or to be excluded from bidding.

ENVELOPE #02:

- 1) Document 00415 (Bid Form) Bidder shall not qualify bid or take exception to the scope of work exhibit.
- 2) Document 00435 Subcontractor List Form.
- 3) Document 00450 Non-collusion Affidavit, subscribed and sworn before a notary public
- 4) Document 01375 SBE Rules, Regulations, and Forms 1, 2, 3, 4, & 5

- 5) Cashier's check, certified check, or corporate surety bond of not less than 10% of the amount Bid, including additive alternates (if any). Bid Bond, if provided shall be on the form included in **Exhibit F**. Bidder and its surety must execute Bond Accompanying Bid if submitted. Please note that if the Bidder chooses to acquire a bid security in the form of cashier's check or certified check (instead of acquiring a Bid Bond) then if the Bidder is awarded the bid package because they are deemed the lowest responsive bidder, the Bidder understands that they will then eventually upon subcontract award have to acquire a Performance/Payment Bond and Labor/Material Bond from a Bovis Lend Lease, Inc. approved surety with a Best rating of "A" (Excellent) or better and a Best Financial Size Category equivalent to at least **Class VIII**, otherwise the Bidder may then be deemed non-responsive.

Bids shall be deemed to include any written responses of a Bidder to any questions or requests for information of Contractor made as part of the Bid evaluation process after submission of the Bid.

Within 48 hours, to be considered responsive, Bidder shall provide the supplemental documents required by Item No. 9, **SUBCONTRACTOR'S SBE GOOD FAITH EFFORT AND SBE FORMS** below.

4. **DETERMINATION OF APPARENT LOW BID.** The determination of the apparent low bid shall be as indicated on the Bid Form for that Bid Package. The District will award a subcontract for the work to the responsible bidder who submits the lowest responsive bid per the basis of award as indicated on the Bid Form.
5. **SCOPE OF THE PROJECT.** The scope of each Bid Package is defined in the **Exhibit B** and respective **Exhibit B.1** attached to the Bovis Lend Lease, Inc. Subcontract form.
6. **BID FORM.** Bidders are advised to review the Bid Forms for breakdown of work prior to pricing. All Bid Items shall be priced for the Bid to be considered responsive.
7. **REQUIRED SECURITY.** Bidders must submit with their Bids, a certified check or cashier's check from a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do surety business in the State of California, of not less than ten percent (10%) of the aggregate amount of the Base Bid plus additive alternates (if any), payable to "Bovis Lend Lease, Inc". Contractor has provided the required Bid Bond Form in **Exhibit F** of the subcontract. Contractor and District will reject as non-responsive any Bid submitted without the necessary security.
8. **REQUIRED SUBCONTRACTORS LIST FORM.** A subcontractor listing is required at the time of the submittal of Bids. The bidder must submit the names of all subcontractors and their respective work on Document 00435 Subcontractors List Form for those subcontractors who will perform any portion of work, including labor, rendering of service, or specially fabricating and installing a portion of the work in excess of one half of one percent (0.5%) of the total Bid amount.
9. **SUBCONTRACTOR'S GOOD FAITH EFFORT (GFE) TO MEET SBE GOAL.** Within 48 hours of the bid due date and time, bidders not meeting the required SBE participation goal set for the respective bid package must submit proof (i.e. hard copies of documentation) of their Good Faith Effort to Bovis Lend Lease, Inc. Requirements for the Good Faith Effort are laid out in Document 00530 - Subcontract under **Exhibit S** – SBE Rules and Regulations.
10. **REQUIRED NON-COLLUSION AFFIDAVIT.** Subcontractors must submit with their bid Document 00450 Non-collusion Affidavit. District and Contractor may reject as non-responsive any Bid submitted without the Non-collusion Affidavit. No subcontractor may make or file or be interested in more than one Bid for the same supplies, services or both.

11. **REQUIRED CONTRACTOR QUALIFICATION FORM.** Subcontractors must submit with their bid, Document 00460 Contractor Qualification Form.
12. **REQUIRED CONTRACTOR SAFETY FORM.** Subcontractors must submit with their bid, Document 00465 Contractor Safety Form.
13. **SBE PROGRAM.** The District recognizes the unique barriers SBEs face in bidding and contracting on public works projects. The District posted on its website in February 2006 an enhanced SBE Pilot Program which includes a variety of components to reduce the administrative and financial burdens imposed on SBEs. Qualified SBE firms are encouraged to bid as subcontractors for this project.
14. **PRE-BID CONFERENCE.** District will conduct a Pre-Bid Conference as stated in the advertisement. Conference is not mandatory for Bidders. Interested parties are advised to arrive early to find parking and must sign in. Bidders are encouraged to indicate on the sign-in sheet whether or not their firm is an SBE according to the District's criteria. The District will post on its website the list of pre-bid conference attendees.
15. **OTHER REQUIREMENTS PRIOR TO SUBMITTAL OF A BID.** Submission of a Bid signifies the Bidder's careful examination of Bid Documents, Project Site and complete understanding of the nature, extent and location of Work to be performed.
16. **EXISTING CONDITIONS AND RELATED DATA.** Document 00320 Existing Conditions and Geotechnical Data applies to all supplied existing drawings and geotechnical reports, and all other information supplied regarding existing conditions above ground or below ground. Subcontractors may examine any available existing conditions information by giving District reasonable advance notice.
17. **ADDENDA.** Subcontractors must direct to the Contractor all questions about the meaning or intent of the Bid Documents. Subcontractors must submit their questions in writing attention Jessica Vass to Jessica.Vass@BovisLendLease.com or fax to 415-693-9983. Contractor will issue by formal written Addenda interpretations or clarifications it considers necessary in response to such questions. Contractor will post Addenda on the CCSF website (http://www.ccsf.edu/Offices/Facilities_Planning/projects_construction.htm) and with Ford Graphics (www.fordsfoplanwell.com). District may not respond to questions received less than seven (7) days before the date for the submittal of Bids. Only questions answered by formal written Addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.
 - a. Contractor may also issue Addenda to modify the Bid Documents.
 - b. Addenda shall be acknowledged on the Bid Form by number and shall be part of the Contract Documents. Subcontractors may obtain a complete listing of Addenda from Contractor.
18. **SUBSTITUTIONS.** Subcontractors must base their Bids on products and systems specified in the Bid Documents or listed by name in Addenda.
 - a. Addenda shall list substitutions, if any, approved prior to due date for Bids.
 - b. Subcontractors are limited to submission of requests for substitution within 35 days after Notice of Award in accordance with requirements specified in Document 00700 General Conditions, Specification Sections 01300 Submittals, and 01630 Product Options and Substitutions. Submittals of substitutions shall contain sufficient information to assess acceptability of product or system. Insufficient information shall be grounds for rejection of substitution. After that time District may consider specifications final and may consider substitutions in its sole discretion.
19. **WAGE RATES.** Subcontractors are required to comply with all applicable prevailing wage requirements and/or regulations. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker

needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are on file at Contractor's Offices and are deemed included in the Bid Documents. Upon request, Contractor will make available copies to any interested party.

- 20. PROJECT LABOR AGREEMENT.** The San Francisco County Community College District Board of Trustees has approved a Project Labor Agreement for this project. All Subcontractors, regardless of tier, must comply with the requirements of this agreement which may be obtained from the District's website: http://www.ccsf.edu/Offices/Facilities_Planning/PLA/PLA%20Final%20Jan_6_2005.pdf Submission of a bid constitutes acceptance of the requirements of the Project Labor Agreement.
- 21. LABOR COMPLIANCE PROGRAM.** The San Francisco Community College District has implemented a Labor Compliance Program in an effort to fulfill the need and intent of monitoring, documenting and reporting the wage rate and payment to workers employed in, on, or at the New Mission Campus. Submission of a bid constitutes acceptance of the requirements of the Labor Compliance Program.
- 22. EVALUATION.** Contractor and District may reject any and all Bids and waive any informalities or minor irregularities in the Bids. Contractor and District also reserve the right, in their sole discretion, to reject any or all Bids and to re-bid. Contractor and District reserve the right to reject any or all nonconforming, non-responsive, unbalanced or conditional Bids and to reject the Bid of any Bidder if Contractor and District believe that it would not be in the best interest of Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or has doubtful financial ability or fails to meet any other pertinent standard or criteria established by Contractor and District. Contractor and District also reserve the right to waive informalities, inconsequential deviations or minor irregularities not involving price, time or changes in the Work, to the fullest extent permitted by law. For purposes of this paragraph, an "unbalanced Bid" is one having nominal prices for some work items and enhanced prices for other work items.
- 23. ANNOUNCEMENT OF AWARD.** Upon completion of Contractor and District's evaluation of all competitive Bids, District shall publicly announce the Notice of Intent to Award the scope of work of each bid package for the Project by posting the announcement on the District's website. The public announcement of the intent to award shall include the name of the Bidder together with that Bidder's price. The work of the Bid Package will be added to Contractor's contract by change order and Contractor will issue to Bidder subcontract documents and requirements.
- 24. POST-NOTICE OF AWARD REQUIREMENTS.**
 - a. Submit the following documents to Contractor by 5:00 p.m. of the tenth (10th) calendar day following receipt of the Notice of Award from Bovis Lend Lease, Inc. Execution of contract depends upon approval of these documents:
 - 1) Document 00530 Agreement: To be executed by the successful Bidder. Submit three (3) copies, each bearing all required original signatures.
 - 2) Construction Performance Bond: To be executed by successful Bidder and surety, in the amount set forth in 00530 Construction Performance Bond.
 - 3) Construction Labor and Material Payment Bond: To be executed by successful Bidder and surety, in the amount set forth in 00530 Construction Payment Bond.
 - 4) Insurance forms, documents, certificates and endorsements required by Document 00530 Bovis Lend Lease, Inc. Subcontract.
 - 5) Project Labor Agreement Letter of Assent for each subcontractor regardless of tier.

- b. Contractor shall have the right to confirm the performance bond by communicating directly with the performance bond surety proposed by the successful Bidder. Sureties must be satisfactory to the Contractor. Corporate sureties on these bonds and on bonds accompanying Bids must be duly licensed to do business in the State of California and must have a Best rating of “A” (Excellent) or better and a Best Financial Size Category equivalent to at least **Class VIII**, otherwise the Bidder may be deemed non-responsive.

- 25. BID PROTEST PROCEDURES:** Any prime contractor may file a formal written protest identifying the particular project and date bid was received. The Legal Counsel must receive the protest within 5 calendar days after the bid opening date. All notices of protest must be sent to the following address:

Ronald Lee, Legal Counsel Office
City College of San Francisco
33 Gough Street
San Francisco, CA 94103

- 26. FAILURE TO EXECUTE AND DELIVER DOCUMENTS.** If the Bidder to whom the subcontract is awarded shall for ten (10) calendar days after such award fail or neglect to execute and deliver all required Contract Documents and file all required bonds, insurance certificates and other documents, Contractor may, in its sole discretion, deposit the Bidder’s surety bond, cashier’s check or certified check for collection, and retain the proceeds as liquidated damages for the Bidder’s failure to enter into the Contract Documents. The Bidder agrees that calculating the damages Contractor may suffer as a result of the Bidder’s failure to execute and deliver all required Contract Documents and other required documents would be extremely difficult and impractical and that the amount of the Bidder’s required Bid security shall be the agreed and presumed amount of Contractor’s damages.

- 27. DEFINITIONS.** Except as set forth herein, all abbreviations and definition of terms used in these Instructions are set forth in Specifications Section 01090 Abbreviations, Symbols and Definitions.

- 28. OWNERSHIP OF DOCUMENTS.** All materials, including copyrights for original design work, submitted by Subcontractors in response to this Invitation to Bid shall become the property of the District.

END OF DOCUMENT

DOCUMENT 00320

EXISTING CONDITIONS AND AVAILABLE DATA

1.01 GENERAL

This document sets forth the terms and conditions under which the CM/Subcontractor may review, study, use or rely upon geotechnical data for, or areas near, the Site, and existing conditions information concerning existing conditions at or near the Site. This document, the available geotechnical data, and the supplied existing conditions information are Contract Documents.

1.02 REPORTS AND INFORMATION

- A. District, and its consultants have collected documents that provide a general description of the Site and conditions of the Work. These documents may consist of geotechnical reports for and around the Site, utility drawings, and information regarding Underground Facilities.
- B. CM/Subcontractors may inspect geotechnical reports and information regarding existing conditions that are available for review in District's offices. CM/Subcontractors may obtain copies of such documents upon presentation of the CM/Subcontractors payment for the cost of reproduction and handling.
- C. The Project manual may include geotechnical reports and may also include information regarding existing conditions.
- D. Geotechnical reports and data, and information regarding existing conditions and Underground Facilities at or contiguous to the Site, available for review and provided to the CM/Subcontractor are listed in Appendix A, hereby made part of this Section.

1.03 USE OF INFORMATION ON EXISTING CONDITIONS

- A. Above-Ground Existing Conditions. Under no circumstances shall District be deemed to make a warranty or representation of existing above-ground conditions, as-built conditions, or other above-ground actual conditions verifiable by reasonable independent investigation. The CM/Subcontractor selected to complete the construction of the Project shall verify the information provided.
- B. Underground Facilities. District has made an effort to locate Underground Facilities and is providing this information to the . CM/Subcontractor. District does not assume responsibility for the accuracy, completeness or thoroughness of the Underground Facilities, and the CM/Subcontractor is solely responsible for any interpretation or conclusion drawn from this information.

1.04 LIMITED RELIANCE PERMITTED ON CERTAIN INFORMATION

- A. Geotechnical Data. Except as expressly set forth in this Document 00320, District does not warrant, and makes no representation regarding, the accuracy, completeness or thoroughness of any geotechnical data.
- B. The CM/Subcontractor may rely upon the general accuracy of the "technical data" contained in the geotechnical reports and drawings identified above, but only insofar as it relates to subsurface conditions. The term "technical data" in the referenced reports and drawings

shall be limited as follows:

1. The term "technical data" shall include actual reported depths, reported quantities, reported soil types, reported soil conditions, and reported material, equipment or structures that were encountered during subsurface exploration.
2. The term "technical data" shall not include the location of Underground Facilities.
3. The CM/Subcontractor understands that the District has conducted limited investigation and that additional investigation may be needed prior to construction.
4. The CM/Subcontractor is solely responsible for any interpretation or conclusion drawn from any "technical data" or any other data, interpretations, opinions or information contained in supplied geotechnical data.

END OF SECTION

SUBCONTRACTOR LIST FORM

BID PACKAGE _____

BIDDER _____

Pursuant to the provisions of Sections 4100 to 4114 inclusive, of the California Public Contracts Code, and as set forth in Instructions to Bidders, the above named Contractor hereby designates below the names and locations of the place of business of each Subcontractor. Please check one of the boxes and sign below:

_____ We are not using any Subcontractors.

_____ All of our Subcontractors that are performing at least 1/2 of 1% of the Work are listed below, including for additive Alternates, if any.

<u>WORK TO BE PERFORMED</u>	<u>NAME OF SUBCONTRACTOR</u>	<u>LOCATION OF PLACE OF BUSINESS</u>

In executing this form, Bidder hereby agrees to provide additional data on subcontractors by the time indicated and to demonstrate Good Faith Effort to achieve the District's SBE goals in accordance with Instructions to Bidders.

 Signed

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER
AND SUBMITTED WITH BID

State of California)
County of San Francisco,) ss.
)

_____ (name of signatory), being first duly sworn, deposes and says that he or she is _____ (title) of _____ (company name) the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the **contract** of anyone interested in the proposed **contract**; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Signature

Date

Project Title

Public Contract Code, Section 7106

END OF SECTION

DOCUMENT 00460
CONTRACTOR'S QUALIFICATION STATEMENT

1. "Responsible" and "Responsive" Bids. The following definitions of "responsible" and "responsive" apply to construction projects to be awarded by the City College of San Francisco School District (District) and Bovis Lend Lease, Inc (Bovis)

Responsible - A bidding party possessing the skill, judgment, integrity and financial ability necessary to timely perform and complete the contract being bid.

Responsive - A bid which meets all of the specifications set forth in the request for bids.

2. The District and Bovis retain the right to consider the following factors in determining whether a bidder can be expected to perform satisfactorily on a particular project:
- a. Whether the Contractor or his subcontractors are duly licensed to undertake the work involved.
 - b. Whether the Contractor or his subcontractors has defaulted on a contract within the two-year period immediately prior to filing of the STATEMENT or update thereof.
 - c. Whether the Contractor or his subcontractors has been found to be in violation of Apprenticeship requirements under a State Business and Professions Code or Labor Code within the two-year period immediately prior to filing of the STATEMENT or update thereof.
 - d. Whether the Contractor or his subcontractors has been found guilty of failure to pay required prevailing wages on a public contract within the two-year period immediately prior to filing of the STATEMENT or update thereof.
 - e. Whether the Contractor or his subcontractors has been found to be in violation of SBE Program requirements by the City of San Francisco and/or the City College of San Francisco School District Contract Compliance Programs within the two-year or five-year period immediately prior to filing of the STATEMENT or update thereof.
 - f. Whether the Contractor or his subcontractors has been formally found to be a non-responsible bidder by a public agency within the two-year period immediately prior to filing of the STATEMENT or update thereof, and the reasons for such finding.
 - g. Whether the Contractor's EMR and record of accidents indicates that Contractor's safety program is adequate for this Project as defined in Document 00465.
 - h. Representative projects constructed by the Contractor within the five-year period immediately prior to filing of the STATEMENT or update thereof. (Note: This information may include experience by the contractor or principal who will be responsible for the work. A new contractor will not be penalized if the list of projects is a brief one.)
 - i. Whether the Contractor has adequate financial capacity to fulfill the requirements of this Project in compliance with the Contract Documents.

THE ABOVE HAS BEEN READ BY THE PARTICIPANT AND HAS BEEN CONSIDERED IN THE COMPLETION OF THE CONTRACTOR'S QUALIFICATION STATEMENT DOCUMENTS, SIGNATURE ACKNOWLEDGING THE ABOVE HAS BEEN READ AND UNDERSTOOD:

Name of Company/Corporation President

Signature of Authorized Official who will prepare certified payroll, apprenticeship and employment documents.

The following information is provided in response to points 2a. through 2i. Where there is no information applicable, "None" or "No" should be entered. In each case where there is more than one reason to a "Yes" response, detail each such basis or case.

2a. Contractor's License Number(s) _____

Class(es) of License(s) _____

Valid Through _____

2b. Has the contractor defaulted on a construction contract within the two-year period immediately prior to filing of the STATEMENT? _____ If the answer is "Yes", attach a sheet giving the following information: Name of owner, title of project, contract amount, location of project, date of contract, date of default, and name of bonding company.

2c. Has the contractor or his sub-contractor been found by an appropriate authority to be in violation of Apprenticeship requirements under a State Business and Professions Code or Labor Code within the two-year period immediately prior to filing of the STATEMENT? _____ If the answer is "Yes", attach a sheet giving the following information: Date(s) of the findings(s), name(s) of the authority(ies), name(s) and locations(s) of project(s) involved, name(s) of owner(s), sanction(s) imposed.

2d. Has the contractor or his sub-contractor been found guilty of failure to pay required prevailing wages on a public contract within the two-year period immediately prior to filing of this STATEMENT? _____ If the answer is "Yes", attach a sheet giving the following information: Name of Project(s), name of owner(s), name(s) of authority(ies) making the finding(s), date(s) of the finding(s), sanction(s) imposed.

2e. Has the contractor or his sub-contractor been found by the City of San Francisco and/or the City College of San Francisco School District Contract Compliance Programs to be in violation of SBE requirements within the two-year or five-year period immediately prior to filing this STATEMENT? _____ If the answer is "Yes", attach a sheet giving the following information: Date(s) of finding(s), name(s) of the project(s), project owner(s), and sanctions(s) imposed.

2f. Has the contractor been formally found to be a non-responsible bidder by a public agency within the two-year period immediately prior to the filing of this STATEMENT? _____ If the answer is "Yes", attach a sheet giving the following information: Name of body(ies) making the finding(s), name(s) of the project(s) involved, reasons stated for making the finding(s), date of finding.

2g. Has the contractor completed **Form 00465** Contractor's Safety Form? -----

END OF FORM

