

ADDENDUM NO. 1

October 5, 2009

PRE-QUALIFICATION POLICY AND GUIDELINES FOR THE
PRE-QUALIFICATION OF CONTRACTORS SEEKING TO BID ON THE:
Westside Water Reclamation Plant Phase IIIA
Regulatory Upgrades Project

To: All entities seeking to Pre-Qualify for the Westside Water Reclamation Plant Phase IIIA Regulatory Upgrades Project

From: VVWRA

Notice is hereby given to all entities that the following changes, additions and deletions are hereby made a part of the Contract Documents for the "Pre-Qualification Policy and Guidelines for the Pre-Qualification of Contractors Seeking to Bid on the Westside Water Reclamation Plant Phase IIIA Regulatory Upgrades Project," as fully and completely as if the same were fully set forth therein. This Addendum 1 shall form part of the "Pre-Qualification Policy and Guidelines for the Pre-Qualification of Contractors Seeking to Bid on the Westside Water Reclamation Plant Phase IIIA Regulatory Upgrades Project," and take precedence over the original Pre-Qualification Policy and Guidelines.

- 1. The entire "Request for Pre-Qualification Of Bidders for the VVWRA Westside Water Reclamation Phase IIIA Regulatory Upgrades Project" is hereby deleted and replaced and amended as follows:**

"Notice is hereby given that VVWRA has determined that all bidders on the Project must be pre-qualified prior to submitting a bid for the project. It is mandatory that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by VVWRA to be on the final qualified 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 a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

VVWRA will accept completed questionnaires from Contractors between Wednesday, September 9, 2009 at 9:00 a.m. and ~~September 30~~ October 28, 2009 at 3:00 p.m. The last date to submit a fully completed questionnaire is: Wednesday, ~~September 30~~ October 28, 2009 at 3:00 p.m.

Contractors are encouraged to submit pre-qualification packages as soon as possible on or after **Wednesday, September 9, 2009 at 9:00 a.m.**, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid advertisement for the Project. Bids will only be accepted by firms deemed qualified by VVWRA prior to bid opening.

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

reviewed or audited financial statements, with accompanying notes and supplemental information, are required. VVWRA will use these documents as the basis of rating Contractor's qualification to bid. The information that will be given to VVWRA by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. VVWRA expects that the information given should be and will be accepted at face value. VVWRA reserves the right to check other sources available and to verify Contractor responses. VVWRA's decision will be based on objective evaluation criteria.

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

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

The pre-qualification packages should be submitted under seal and marked "CONFIDENTIAL" to:

VVWRA
15776 Main Street, Suite 3
Hesperia, CA 92345
Attention: Chris Anthony.

The pre-qualification packages (questionnaire answers and financial statements) 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 the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed 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 VVWRA and provide updated accurate information in writing, under penalty of perjury.

VVWRA reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

Contractors may submit pre-qualification packages during regular working hours on

any day that the offices of VVWRA are open and between **Wednesday, September 9, 2009 at 9:00 a.m. and ~~September 30~~ October 28, 2009 at 3:00 p.m.** Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than **Friday, ~~October 9~~ November 13, 2009.**

VVWRA may refuse to grant pre-qualification for the Project where the requested information and materials are not provided, or not provided by the **~~September 30~~ October 28, 2009 3:00 p.m.** deadline.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering formal written notice to VVWRA of its appeal of the decision with respect to its pre-qualification rating, no later than **ten (10) calendar days after notification of the pre-qualification rating.** Without a timely appeal, the Contractor waives any and all rights to challenge the decision of VVWRA, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than **five (5) calendar days** after VVWRA's receipt of the notice of appeal. The hearing shall be an informal process conducted by a panel to whom the Board of Commissioners of VVWRA has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for VVWRA's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within **one (1) calendar day** after the conclusion of the hearing, the Appeals Panel will render its decision.

If any of the above deadlines falls on a holiday or weekend day, then the deadline will be the next business day.

Note: A contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

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2. Question 1 of Part III, "Experience and Management" is hereby deleted and replaced and amended as follows:

1. Contractor shall provide information about at least three (3) recent advanced water/ wastewater projects of similar scope and nature, costing at least \$20,000,000.00 each or involving a facility of at least 14 MGD capacity. **~~"Similar scope and nature" as used herein means that the projects must have been advanced water or wastewater projects cumulatively involving the following elements: Title 22, UV disinfection, cloth filtration, and digester gas scrubbers.~~** Contractors unable to provide the required references shall be ineligible to pre-qualify for this project. VVWRA shall use the information contained herein to interview randomly selected contacts from at least two completed projects listed in this response. The interview questions are set forth below. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact /Project Manager (name and current phone number):

Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed including a specific description demonstrating the elements of similar scope and nature (Contractor may provide additional information on a separate sheet):

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

**END OF ADDENDUM No. 1 to Pre-Qualification Policy and Guidelines for the
Pre-Qualification of Contractors for the
Westside Water Reclamation Plant Phase IIIA Regulatory Upgrades Project**