

NOTICE TO FIBER OPTICS CONTRACTORS

Notice is hereby given that the Freeport Regional Water Authority (FRWA) of Sacramento, CA has determined that for the Freeport Regional Water Project (FRWP) – Systemwide Communications System Project, Contract No. FCP 720, which is a “public works” project, a prequalified Fiber Optics subcontractor must be used in the preparation of bids and execution of fiber optic cable installation portions of the Work. In the event that a bidder intends to self perform the fiber optic cable installation portion of the project, the bidder must be prequalified as a Fiber Optics Contractor. It is mandatory that all Fiber Optics Contractors/Fiber Optics Subcontractors (Fiber Optics Contractors), who intend to submit a bid, fully complete the prequalification questionnaire, provide all materials requested herein, and be approved by the FRWA to be on the final qualified Fiber Optics Contractors list. No bid will be accepted from a bidder who does not use a prequalified Fiber Optics Contractor for fiber optic cable installation portion of the work. FRWA will include in their upcoming Construction Documents the names of the prequalified Fiber Optics Contractors and only bids including those prequalified Fiber Optics Contractors will be accepted.

THE INFORMATION OBTAINED AS A RESULT OF THIS PREQUALIFICATION PROCESS IS FOR THE SOLE AND EXCLUSIVE USE OF THE FRWA. THE LISTING OF ANY PARTY AS “PREQUALIFIED” BY FRWA IS NOT A REPRESENTATION BY FRWA AS TO THE FITNESS, CAPABILITY, ABILITY OR FINANCIAL RESPONSIBILITY, INCLUDING BONDING CAPACITY OF THAT PARTY TO PERFORM ANY WORK AS A PRIME CONTRACTOR OR SUBCONTRACTOR.

The FRWP Systemwide Communications System project is described at the end of this notification. A general description of the FRWP is included in Appendix A.

Answers to all 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. The FRWA reserves the right to check other sources available. The FRWA’s decisions will be based on objective evaluation criteria.

The FRWA reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating based on subsequently learned information. Fiber Optics Contractors whose rating changes sufficiently to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a prequalification rating.

While it is the intent of the prequalification questionnaire and documents required therewith to assist the

FRWA in determining responsible and capable Fiber Optics Contractors, neither the fact of prequalification, nor any prequalification rating, will preclude the FRWA from a post-bid consideration and determination of whether a Fiber Optics Contractor has the quality, fitness, capacity and experience to satisfactorily perform the proposed work.

The prequalification packages should be submitted under seal and marked “CONFIDENTIAL” by 2:00 PM, local prevailing time, on May 1, 2008 to:

Freeport Regional Water Authority
9240 Laguna Springs Drive, Suite 100
Elk Grove, CA 95758
Attention: Brian Lee

The prequalification packages (questionnaire answers and financial statements) submitted by Fiber Optics 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 prequalification status shall be public records subject to disclosure, and the first two pages 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 Fiber Optics Contractor on whose behalf that person is signing. If any information provided by a Fiber Optics Contractor changes or becomes inaccurate between May 2008 and November 2009, the Fiber Optics Contractor must immediately notify the FRWA and provide updated accurate information in writing, under penalty of perjury.

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

The anticipated schedule for Fiber Optics Contractor prequalification is summarized as follows:

Milestone	Date
Issue Pre Qualification Document	April 11, 2008
Due Date for Prequalification Document	May 1, 2008
Fiber Optics Contractor Notification	May 15, 2006
FRWA Approval of Fiber Optics Contractor Prequalification List	May 22, 2006

The FRWA may refuse to grant prequalification where the requested information and materials are not provided by 2:00 PM on May 1, 2008. An incomplete or late application will result in immediate disqualification, and a Fiber Optics Contractor will not be allowed to appeal the disqualification. The closing time for submittal of prequalification documents will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Where a timely and completed application results in a rating below that necessary to prequalify, an appeal can be made. An appeal is begun by the Fiber Optics Contractor delivering notice to the FRWA of its appeal of the decision with respect to its prequalification rating, no later than seven (7) business days following notification of not being prequalified. Without a timely appeal, the Fiber Optics Contractor waives any and all rights to challenge the decision of the FRWA, whether by administrative process, judicial process or any other legal process or proceeding.

If the Fiber Optics Contractor gives the required notice of appeal and requests a hearing, an Appeals Panel hearing shall be conducted. The hearing shall be an informal process conducted by a panel to whom the FRWA Board has delegated responsibility to hear such appeals (the "Appeals Panel"). The FRWA Appeals Panel will be the sole judge, and the Appeals Panel decision will be considered final. At or prior to the hearing, the Fiber Optics Contractor will be advised of the basis for the FRWA's prequalification determination. The Fiber Optics Contractor will be given the opportunity to present information and present reasons in opposition to the rating. It is the intention of the FRWA that the date for the advertisement for Request for Bids will not be delayed or postponed to allow for completion of an appeal process.

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NOTE: BIDDERS INTENDING TO SUBMIT A BID FOR CONSTRUCTION OF THE FREEPORT REGIONAL WATER PROJECT – SYSTEMWIDE COMMUNICATIONS

SYSTEM PROJECT ARE REQUIRED TO ONLY UTILIZE PREQUALIFIED FIBER OPTICS CONTRACTORS FOR FIBER OPTICS WORK PORTIONS OF THE PROJECT. THE LIST OF PREQUALIFIED FIBER OPTICS CONTRACTORS WILL BE INCLUDED IN THE UPCOMING CONSTRUCTION DOCUMENTS.

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Questions about the Fiber Optics Contractor Prequalification must be submitted in writing to Mr. Brian Lee, the FRWA's Representative, at the address below. Any interpretation of the Prequalification Document must be received by FRWA a minimum of ten (10) calendar days prior to the due date for receipt of the Prequalification Submittals.

Freeport Regional Water Authority
9240 Laguna Springs Drive, Suite 100
Elk Grove, CA 95758
Phone No. (916) 226-8300
Fax No. (916) 226-8383

Additional information about the Freeport Regional Water Project can be found online at www.freeportproject.org.

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