

## **Appendix I Questionnaire**

Proposers must answer each of the following questions in writing under penalty of perjury. Each answer must identify the question to which it responds by referencing the number given the question. Responses to each question will be used to evaluate Proposers experience and qualification. The answers provided to these questions are subject to disclosure to members of the public under California's Public Records Act (Cal. Gov. Code §§ 6250 *et seq.*) and the City's Sunshine Ordinance (Chapter 67 of the City's Administrative Code).

For purposes of this questionnaire the following definitions apply:

(1) The term "Five Year Period" means the period ending on the deadline for submitting responses to this Request For Proposals ("RFP"), as such date is amended from time to time, and commencing five (5) years before that date (i.e.; five years plus the submittal date).

(2) The term "JV Partner" means any joint venture partner of Proposer.

(3) The term "Other Related Entity" means any entity that Proposer, any Owner of Proposer, any principal of Proposer, or any JV Partner of Proposer is or was a principal of, or more than a 25% owner of.

(4) The term "Owner" shall mean any person who owns 25% or more of a Proposer.

(5) The term "principal" shall mean a president, vice-president, chief financial officer or partner.

(6) The term "Proposer" means the entity responding to the RFP.

### **QUESTIONS**

1. Has (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity been declared in default on a contract during the Five Year Period? For this question #1 and all subsequent questions, as concerns Other Related Entities, Proposer shall only answer in the affirmative if the action or event inquired of occurred when the Proposer, its Owner, principal or JV Partner was a principal or greater than 25% owner of the Other Related Entity.

If yes to this question, please explain the following: (i) by whom; (ii) the relation of the person or entity who was declared in default to Proposer, the Owner, principal or JV Partner; (iii) when the default was declared; and (iv) for what reason(s). Please also state whether the contract was terminated.

2. (a) Has (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity, declared bankruptcy during the Five Year Period?

If yes, please explain the following: (i) who filed for bankruptcy, (ii) the relation between the person or entity who filed for bankruptcy to Proposer, the Owners, principals, or JV Partners, (iii) when the bankruptcy was filed, and (iv) in which state.

(b) Has (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity entered into an assignment for the benefit of creditors during the Five Year Period?

If yes, please explain the following: (i) who were the parties to the assignment, (ii) the date of the assignment, (iii) Proposer's, the Owner's, principal's, or JV Partner's relation to the person or entity that entered into the assignment, and (iv) why the assignment occurred.

(c) Has a petition in bankruptcy been filed during the Five Year Period against (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partners, or (v) any Other Related Entity?

If yes, please explain the following: (i) who filed the petition for bankruptcy and who the petition was filed against, (ii) the relation between the person or entity against whom the petition was filed and Proposer, the Owner, principal or JV Partner, (iii) when the petition was filed, and (iv) in which state.

(d) Has a receiver been appointed during the Five Year Period for the business or personal assets of (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partners, or (v) any Other Related Entity?

If yes, please explain the following: (i) why the receiver was appointed, (ii) whose and what assets were involved, (iii) the relation of the person or entity for whose assets the receivership was appointed to Proposer, the Owner, principal, or JV Partner, and (iv) when the receiver was appointed.

(e) Has (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity been the subject of a foreclosure proceeding during the Five Year Period?

If yes, please explain the following: (i) whose property was subject to foreclosure, (ii) that person's or entity's relation to Proposer, the Owner, principal or JV Partner, (iii) what property was involved, and (iv) when the foreclosure occurred.

(f) Does (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity have any unpaid money judgments that are more than 3 months outstanding?

If yes, please explain the following: (i) who the judgment is against, (ii) that person's or entity's relation to Proposer, the Owner, principal or JV Partner, (iii) the amount of the judgment, (iv) the reason for the judgment, and (v) how much in arrears the payment(s) are.

3. Has a court ever convicted or found liable (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity for fraud, theft, embezzlement, or any other act involving dishonesty?

If yes, please explain the following: (i) who was convicted or found liable, (ii) that person's or entity's relation to Proposer, the Owner, principal or JV Partner, (iii) for what crime or act the person or entity was convicted or found liable, (iv) when, and (v) in which state and court.

4. (a) Is (i) Proposer, (ii) any Owner, (iii) any principal of Proposer, (iv) any JV Partners, or (v) any Other Related Entity currently debarred or disqualified from contracting by any public entity?

(b) Has (i) Proposer, (ii) any Owner, (iii) any of principal of Proposer, (iv) any JV Partner, or (v) any Other Related Entity been debarred or disqualified from contracting by any public entity during the Five Year Period?

If yes to either question 4(a) or 4(b), please explain the following: (i) who was debarred or disqualified; (ii) that person's or entity's relation to the Proposer, the Owner, principal, or JV Partners; (iii) by whom was the person or entity debarred or disqualified and for what reason(s); (iv) when the debarment or disqualification took effect; and (v) the period of time during which the debarment or disqualification is effective.