

**DEPARTMENT OF TRANSPORTATION
COUNTY OF EL DORADO, CALIFORNIA**

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN by the County of El Dorado, State of California, that sealed bids for work in accordance with the Project Plans (Plans) and Contract Documents designated:

WHITE ROCK ROAD WIDENING AND SIGNALIZATION

CONTRACT NO. PW 09-30493, CIP NO. 72372

will be received by the Clerk to the Board of Supervisors, at the Board of Supervisors Office, 330 Fair Lane, Placerville, California, until **Friday, September 10, 2010 at 2:30 PM**, at which time bids will be publicly opened and read by the El Dorado County Department of Transportation.

No Bid may be withdrawn after the time established for receiving bids or before the award and execution of the Contract, unless the award is delayed for a period exceeding sixty (60) calendar days. Bids shall be executed in accordance with the instructions given and forms provided in the bound Contract Documents furnished by the El Dorado County Department of Transportation. The Proposal shall not be detached and shall be submitted with the Contract Documents bid package in its entirety. All bids must be clearly marked on the envelope:

"PROPOSAL FOR WHITE ROCK ROAD WIDENING AND SIGNALIZATION"

CONTRACT NO. PW 09-30493, CIP NO. 72372

TO BE OPENED AT 2:30 P.M. -- Friday, September 10, 2010

LOCATION/DESCRIPTION OF THE WORK: The project is located along White Rock Road, in El Dorado Hills in El Dorado County. The Work to be done is shown on the Plans, and generally consists of, but is not limited to:

- A. Roadway widening on White Rock Road including excavation, asphalt paving, slurry seal, striping and signage work, construct new asphalt dike, asphalt sidewalk, concrete curb, gutter, sidewalk, and handicap ramp, install new drainage systems include adding drainage inlet and underground drainage. Install traffic signal at White Rock Road and Windfield Way including striping and signage work. Other items or details not mentioned above that are required are shown or described in the Plans, Standard Specifications, or the Special Provisions, shall be performed, constructed or installed.
- B. Bids are required for the entire Work described herein.
- C. The contract time shall be one hundred twenty (120) WORKING DAYS.
- D. For bonding purposes the anticipated project cost is less than \$ 1,000,000.
- E. A pre-bid meeting is scheduled for this project on **Wednesday, September 1, 2010, at 2:00 PM** at the El Dorado County Department of Transportation, 2441 Headington Drive, Placerville, CA 95667. The meeting will be held in the downstairs Conference Room. Attendance at the pre-bid meeting is not mandatory.

OBTAINING OR INSPECTING CONTRACT DOCUMENTS: The Contract Documents and Plans may be examined at the El Dorado County Department of Transportation or may be purchased in person or by mail from the Department of Transportation, 2850 Fairlane Court, Placerville, California, 95667. The purchase price of each set of Contract Documents and Plans (half size plans are included in each set) is seventy dollars (\$70.00) and is not refundable. To receive Contract Documents and Plans by mail, send request and payment prior to shipping and include an additional twenty dollars (\$20.00), for a total of ninety dollars (\$90.00), to include shipping and handling.

The contract cross-sections are available to Contract Document holders. The cross sections will be provided to the Contractor as pdf files on the DOT's website: <http://www.edcgov.us//DOT/bids.html>.

NOTICE TO PROCEED: This Project is dependent upon the receipt of funding from the State of California. There is some uncertainty as to that funding due to the lack of an adopted State budget. Accordingly, the County reserves the right to defer issuance of the Notice to Proceed to a date no more than ninety (90) days from the date of contract award. In accordance with Special Provisions § 4-1.01, the Contractor shall not be paid for work performed in advance of the date stated in the Notice to Proceed.

If the County determines that it is in its best interest to do so, the County may terminate the Contract for its own convenience prior to issuance of a Notice to Proceed. In that event, the Contractor shall be paid for documented, unavoidable, reasonable, administrative expenses associated with the Project, including insurance and bond premiums and costs of preparing required submittals, incurred prior to the County's notice of termination, in an amount not to exceed \$20,000.00. Payment provided herein shall be the Contractor's sole remedy should the County terminate the Contract pursuant to this provision. The Contractor hereby waives and forfeits all other claims for payment and damages, including, without limitation, anticipated profits. Upon receipt of the County's notice of termination, the Contractor shall take prompt action to terminate all contracts with any subcontractors or suppliers. This provision shall control over conflicting provisions contained elsewhere in the Contract Documents.

The language in this provision shall be included in all subcontracts.

CONTRACTORS LICENSE CLASSIFICATION: Bidders shall be properly licensed to perform the Work pursuant to the Contractors' State License Law (Business and Professions Code Section 7000 et seq.) and shall possess a **CLASS A** license or equivalent combination of Classes required by the categories and type of Work included in the Contract Documents and Plans at the time of the bid opening, and shall maintain a valid license through completion and acceptance of the Work, including the guarantee and acceptance period. Failure of the successful Bidder to obtain proper adequate licensing for an award of the Contract shall constitute a failure to execute the Contract and shall result in the forfeiture of the Bidder's security.

BUSINESS LICENSE: The County Business License Ordinance provides that it is unlawful for any person to furnish supplies or services, or transact any kind of business in the unincorporated territory of El Dorado County without possessing a County business license unless exempt under County Ordinance Code Section 5.08.070. The Bidder to whom an award is made shall comply with all of the requirements of the County Business License Ordinance, where applicable, prior to beginning work under this Contract and at all times during the term of this Contract.

REQUIRED LISTING OF PROPOSED SUBCONTRACTORS: Each Proposal shall have listed therein the name, Contractor's license number, and address of each subcontractor, to whom the bidder proposes to subcontract portions of the work in an amount in excess of 1/2 of one percent of its total bid or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code. The Bidder shall also include in the Subcontractor Listing the work portion to be performed by each subcontractor listed. The work portion shall be shown by listing the bid item number, description, and percentage of each bid item subcontracted. The percentage of each bid item subcontracted may be submitted with the Bidder's bid or sent via email or fax to Janel Gifford, El Dorado County Department of Transportation, email-Janel.Gifford@edcgov.us, Fax-(530)295-2655, by 4:00 p.m. on the first business day after the bid opening. The email or fax shall contain the name of each subcontractor submitted with the Bidder's bid along with the percentage of each bid item subcontracted. The bidder's attention is invited to other provisions of the Act related to the imposition of penalties for a failure to observe its provisions by using unauthorized subcontractors or by making unauthorized substitutions.

BUY AMERICA: This project is subject to the "Buy America" provisions of the Surface Transportation Assistance Act of 1982, as amended by the Intermodal Surface Transportation Efficiency Act of 1991.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION: The County of El Dorado affirms that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation.

Bidder will take all necessary affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are used when possible. Pursuant to 49 CFR Part 18.36(e) (2) (v), Bidder is required to contact the U.S. Small Business Administration, San Francisco District Office, Minority Enterprise Development Division, 455 Market Street, Sixth Floor, San Francisco, California 94105, Attn: Julie, Telephone - (415) 744-6808, and the U.S. Department of Commerce, Minority Business Development Agency, 221 Main Street, Suite 1280, San Francisco, California, 94105, Telephone - (415) 744-3001, for assistance in locating DBE firms.

NONDISCRIMINATION: Attention is directed to the following Notice that is required by Chapter 5 of Division 4 of Title 2, California Code of Regulations.

NOTICE OF REQUIREMENT FOR NONDISCRIMINATION PROGRAM

(GOVERNMENT CODE SECTION 12990)

Attention is further directed to the "Nondiscrimination Clause", set forth in Section 7-1.01A(4), "Labor Nondiscrimination," of the Standard Specifications, which is applicable to all nonexempt State contracts and subcontracts, and to the "Standard California Nondiscrimination Construction Contract Specifications" set forth therein. The specifications are applicable to all nonexempt State construction contracts and subcontracts of \$5,000 or more.

PREVAILING WAGE REQUIREMENTS:

Contractor's attention is directed to the requirements of Division 2, Part 7, Chapter 1 of the California Labor Code, including but not limited to Sections 1773, 1773.1, 1773.2, 1773.6, and 1773.7, the general prevailing rate of wages in the county in which the Work is to be done has been determined by the Director of the California Department of Industrial Relations. These wage rates appear in the California Department of Transportation publication entitled General Prevailing Wage Rates. Interested parties can obtain the current wage information by submitting their requests to the Department of Industrial Relations, Division of Labor Statistics and Research, PO Box 420603, San Francisco CA 94142-0603, Telephone (415) 703-4708 or by referring to the website at <http://www.dir.ca.gov/dlsr/PWD>. The rates at the time of the bid advertisement date of a project will remain in effect for the life of the project in accordance with the California Code of Regulations, as modified and effective January 27, 1997.

Copies of the general prevailing rate of wages in the county in which the Work is to be done are also on file at the Department of Transportation's principal office, and are available upon request.

In accordance with the provisions of Labor Code 1810, eight (8) hours of labor shall constitute a legal day's work upon all work done hereunder, and Contractor and any subcontractor employed under this Contract shall conform to and be bound by the provisions of Labor Code Sections 1810 through 1815.

This project is subject to the requirements of Title 8, Chapter 8, Subchapter 4.5 including the obligation to furnish certified payroll records directly to the Labor Commissioner in accordance with Section 16461.

BID SECURITY: A bid security shall be provided with each bid. Bid security shall be in an amount of not less than ten percent (10%) of the total amount of the Bid for bid and shall be cash, a certified check or cashier's check drawn to the order of the County of El Dorado or a Bidder's Bond executed by a surety satisfactory to the County of El Dorado **on the form provided in the Proposal section of these Contract Documents (do not detach the form).**

BID PROTEST PROCEDURE: The protest procedure is intended to handle and resolve disputes related to the bid award for this project pursuant to Title 49 Code of Federal Regulations Part 18 Section 18.36 (b) (12)(i)-(ii) and County of El Dorado policies and procedures. A protestor must exhaust all administrative remedies with the County of El Dorado before pursuing a protest with a Federal Agency. Reviews of protests by the Federal agency will be limited to:

- (i.) Violations of Federal law or regulations and the standards of 49 CFR Part 18 Section 18.36 (b) (12) (i)-(ii). Violations of State of California or local law will be under the jurisdiction of the State of California or the County of El Dorado; and
- (ii.) Violation of the County of El Dorado's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the County of El Dorado.

The protest procedure is an extension of the formal bid process and allows those who wish to protest the recommendation of an award after bid the opportunity to be heard.

Policy: Upon completion of the bid evaluation, the Department of Transportation shall notify all bidders of the recommendation of award, the basis therefore, and the date and time on which the recommendation for award will be considered and acted upon by the Board of Supervisors. All bidders may attend the Board of Supervisors meeting at the time the agenda item is considered, address the Board of Supervisors, and be heard.

Procedure: If a bidder wishes to protest the award, the procedure shall be as follows:

1. The Department of Transportation will review the bids received in a timely fashion under the terms and conditions of the Notice to Bidders, and notify the bidders in writing, at the address designated in the bid, of its recommendation including for award or rejection of bids ("All Bidders Letter").
2. Within five (5) working days from the date of the "All Bidders Letter," the bidder protesting the recommendation for award shall submit a letter of protest to the County of El Dorado, Department of Transportation, Attention Janel Gifford, 2441 Headington Road, Placerville, CA 95667, and state in detail the basis and reasons for the protest. The bidder must provide facts to support the protest, including any evidence it wishes to be considered, together with the law, rule, regulation, or criteria on which the protest is based.
3. If the Department of Transportation finds the protest to be valid, it may modify its award recommendations and notify all bidders of that decision. If the Department of Transportation does not agree with the protest, or otherwise fails to resolve the protest, the Department of Transportation will notify the bid protestor and all interested parties of its decision and the date and time that the recommendation for award will be agendized for the Board of Supervisors' consideration and action. The Department of Transportation shall also include in its report to the Board of Supervisors the details of the bid protest.
4. The bidder may attend the Board of Supervisors meeting at which the recommendation and bid protest will be considered. The Board of Supervisors will take comment from the bidder, staff, and members of the public who wish to speak on the item. In the event that the bidder is not in attendance at that time, the bid protest may be dismissed by the Board of Supervisors without further consideration of the merits; and

In its discretion, the County of El Dorado may accept or reject any bids. The decision of the Board of Supervisors shall be final in accepting or rejecting the bid protest, awarding the bid, or rejecting any or all bids.

AWARD OF CONTRACT: Bids will be considered for award by the Board of Supervisors. The County of El Dorado reserves the right after opening bids to reject any or all bids, to waive any irregularity in a bid, or to make award to the lowest responsive, responsible Bidder and reject all other bids, as it may best serve the interests of the County.


As a condition of award, the successful Bidder will be required to submit bonds and evidence of insurance prior to execution of the Agreement by the County. Failure to meet this requirement shall constitute abandonment of the Bid by the Bidder and forfeiture of the Bidder's security. Award will then be made to the next lowest responsive, responsible Bidder.

RETAINAGE FROM PAYMENTS: The Contractor may elect to receive one hundred percent (100%) of payments due under the Contract from time to time, without retention of any portion of the payment by the County, by depositing securities of equivalent value with the County in accordance with the provisions of Section 22300 of the Public Contract Code. Securities eligible for deposit hereunder shall be limited to those listed in Section 16430 of the Government Code, or bank or savings and loan certificates of deposit.

PROJECT ADMINISTRATION: All communications relative to the Contract Documents and Plans shall be directed to Janel Gifford in the El Dorado County Department of Transportation, 2441 Headington Road, Placerville, CA 95762, telephone: (530) 642-4988. No oral responses to any questions concerning the content of the Plans and Contract Documents will be given. All responses will be in the form of written addenda to the Contract Documents and Plans or written responses to bidders' inquiries. Responses to bidders' inquiries and addenda will be posted on the Department of Transportation website at www.edcgov.us/DOT/bids.html. It is the bidders' responsibility to check this website for responses and addenda during the bid period.

BY ORDER OF the Director of the Department of Transportation, County of El Dorado, State of California.

Authorized by the Board of Supervisors on August 17th, 2010, at Placerville, California.

By 
James W. Ware, P.E.
Director of Transportation
County of El Dorado