

COUNTY OF EL DORADO, CALIFORNIA
COMMUNITY DEVELOPMENT AGENCY
TRANSPORTATION DIVISION

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:

**SAWMILL 2B BIKE PATH AND EROSION CONTROL PROJECT
CONTRACT NO. PW 11-30593, CIP NO. 95192**

will be received at the County of El Dorado Community Development Agency, Transportation Division (Transportation Division) office in South Lake Tahoe, California, at 924B Emerald Bay Road, until **August 18, 2014, at 2:00 PM**, at which time bids will be publicly opened and read by the County of El Dorado Community Development Agency, Transportation Division.

No Bid may be withdrawn after the time established for receiving bids or before the award and execution of the Contract, unless the award is delayed for a period exceeding sixty (60)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 County of El Dorado Community Development Agency, Transportation Division. The Proposal shall not be detached and shall be submitted with the Contract Documents bid package in its entirety. All bids must be submitted in a sealed envelope and clearly marked on the envelope:

**“PROPOSAL FOR THE
SAWMILL 2B BIKE PATH AND EROSION CONTROL PROJECT”
CONTRACT NO. PW 11-30593, CIP NO. 95192**

TO BE OPENED AT 2:00 PM, Monday, August 18, 2014

LOCATION/DESCRIPTION OF THE WORK

The Project area is located in eastern El Dorado County, in the Tahoe Basin, north of the Upper Truckee River, and west of US Highway 50/ State Route 89.

The Work to be done is shown on the Plans, and generally consists of, but is not limited to:

- A. Construction of a Class 1 bike path, excavation and grading, clearing and grubbing, asphalt concrete paving, tree removal, installing culverts, drainage channels, signing and striping, pavement markings, revegetation, dewatering, traffic control, and temporary erosion control. Other items or details not mentioned above, that are required by the Plans, Standard Specifications, or these Special Provisions, must be performed, constructed, or installed.
- B. Bids are required for the entire Work described herein.
- C. The contract time is **SIXTY (60) WORKING DAYS**.
- D. For bonding purposes the anticipated project cost is less than \$980,000.
- E. A pre-bid meeting is scheduled for this project on Thursday, August 7, 2014 at 2:00 P.M. at the Community Development Agency, Transportation Division in South Lake Tahoe, California, at 924B Emerald Bay Road. Attendance at this meeting is not mandatory.
- F. This project is being formally bid in accordance with the Public Contract Code 22032 and County of El Dorado Ordinance Code section 3.14.040.

OBTAINING OR INSPECTING CONTRACT DOCUMENTS

The Contract Documents book and project Plans may be examined at the County of El Dorado Community Development Agency, Transportation Division or may be purchased in person or by mail from the Transportation

Division, 924B Emerald Bay Road, South Lake Tahoe, California 96150. The purchase price, **checks only**, of each set of Contract Documents book and project Plans (half size plans are included in each set) is NINETY ONE dollars (\$91.00) and is not refundable. To receive Contract Documents book and project Plans by Federal Express, send request and payment prior to shipping and include an additional FIFTY dollars (\$50.00), for a total of ONE HUNDRED FORTY-ONE dollars (\$141.00), to include shipping and handling. For information regarding the purchase of the Contract Documents book and project Plans contact Patty Scott at (530) 573-7900. **Only Contract Documents books and project Plans purchased from the Community Development Agency, Transportation Division will be acceptable for bid submittal.**

Supplemental Project Information is available to Contract Document holders as .pdf files on the DOT's website: <http://www.edcgov.us/Government/DOT/Bids.aspx>. These Supplemental Document(s) include:

- Geotechnical Investigation Report, Kleinfelder West, Inc., November, 2011.

CONTRACTOR'S 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 the Contract is awarded, and shall maintain a valid license through completion and acceptance of the Work including guarantee and acceptance period. If the Contractor possesses a Class A license instead of the equivalent combination of Classes required by the categories and type of work included in the Contract Documents and Plans, then the Contractor or a subcontractor must also possess a **CLASS C27** "Landscaping Contractor" license. Failure of the successful Bidder to obtain proper and adequate licensing for an award of the Contract shall constitute a failure to execute the Contract, and shall result in 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 County of El Dorado 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.

SUBCONTRACTORS LIST

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 0.5% of the total bid or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act (Act), commencing with Section 4100 of the Public Contract Code. The Bidder shall also describe in the Subcontractor List the work to be performed by each subcontractor listed. The work to be performed by the subcontractor shall be shown by listing the bid item number, bid item description, and portion of the work to be performed by the subcontractor in the form of a percentage (not to exceed 100%) calculated by dividing the work to be performed by the subcontractor by the respective bid item amount(s) (not by the total bid price). The percentage of each bid item subcontracted may be submitted with the Bidder's bid or sent via email or fax to Donald Palaroan, County of El Dorado Community Development Agency, Transportation Division, email-donald.palaroan@edcgov.us, Fax-(530) 541-7049 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 bid item number, bid item description, and the percentage of each bid item subcontracted, as described above. At the time the contract is awarded, all listed subcontractors shall be properly licensed to perform their designated portion of the work. The bidder's attention is directed to other provisions of the Act related to the imposition of penalties for 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 and the Moving Ahead for Progress in the 21st Century Act (MAP-21).

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 firms are used when possible.

Bidders are advised that, as required by federal law, the County of El Dorado has implemented Disadvantaged Business Enterprise requirements for Disadvantaged Business Enterprises (DBE). Section 2, "Proposal Requirements and Conditions," under subsection titled "Disadvantaged Business Enterprises (DBE)" and Section 5, "General," under subsection titled "Performance of Subcontractors" of these special provisions cover the DBE requirements.

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.

The Disadvantaged Business Enterprise (DBE) contract goal is 14%.

Bidder's attention is directed to the DBE Good Faith Effort Submittal Information Handout at: <http://www.edcgov.us/Government/DOT/DBE.aspx>. The problems and solutions listed in the Handout apply to DBE Good Faith Efforts Submittals.

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.

Attention is also directed to the Special Provisions and to the draft Agreement contained in these Contract Documents for additional nondiscrimination and fair employment practices provisions that will apply to this federal-aid Contract.

The Community Development Agency, Transportation Division hereby notifies all Bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, religion, age, or disability in consideration for the award.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

PREVAILING WAGE REQUIREMENTS

In accordance with the provisions of California Labor Code Sections 1770 et seq., 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/OPRL/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 Community Development Agency, Transportation Division's principal office, and are available upon request, and in the case of projects involving federal funds, federal wage requirements as predetermined by the United States Secretary of Labor have been included in the Contract Documents. Addenda to modify the Federal minimum wage rates, if necessary, will be issued as described in the Project Administration section of this Notice to Bidders.

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.

In the case of federally funded projects, where federal and state prevailing wage requirements apply, compliance with both is required. This project is funded in whole or in part by federal funds. Contractor's attention is directed to Section 14 of the Special Provisions and the requirements of, and compliance with the Copeland Act (18 U.S.C. 874 and 29 CFR Part 3), the Davis-Bacon Act (40 U.S.C. 276a to 276a-7 and 29 CFR Part 5), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330 and 29 CFR Part 5).

If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, Contractor and subcontractors shall pay not less than the higher wage rate. The Community Development Agency, Transportation Division will not accept lower State wage rates not specifically included in the Federal minimum wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the Contractor and subcontractors, the Contractor and subcontractors shall pay not less than the Federal minimum wage rate which most closely approximates the duties of the employees in question.

The U.S. Department of Transportation (USDOT) provides a toll-free "hotline" service to report bid rigging activities. Bid rigging activities can be reported Mondays through Fridays, between 8:00 a.m. and 5:00 p.m., Eastern Time, at (800) 424-9071. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report these activities. The "hotline" is part of the USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

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 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 7 Code of Federal Regulations Chapter XXX Part 3016.36 (b)(12)(i)-(ii) and 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 7 CFR Chapter XXX Part 3016.36 (b)(12) (i)-(ii) and 49 CFR Part 18 Subpart C 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 Community Development Agency, Transportation Division 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 Community Development Agency, Transportation Division 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, Community Development Agency, Transportation Division, Attention Donald Palaoan, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, 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 Community Development Agency, Transportation Division finds the protest to be valid, it may modify its award recommendations and notify all bidders of that decision. If the Community Development Agency, Transportation Division does not agree with the protest, or otherwise fails to resolve the protest, the Community Development Agency, Transportation Division 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 Community Development Agency, Transportation Division shall also include in its report 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,

The decision of the Board of Supervisors on the bid protest will be final.

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 interest 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 Donaldo Palaroan in the County of El Dorado Community Development Agency, Transportation Division, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, telephone: (530) 573-7920. 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 and addenda will be posted on the Department of Transportation website at www.edcgov.us/Government/DOT/Bids.aspx. It is the Bidders' responsibility to check this website for responses and addenda during the bid period.

The list of plan holders will also be posted on the Community Development Agency, Transportation Division website at: www.edcgov.us/Government/DOT/Bids.aspx

Inquiries or questions based on alleged patent ambiguity of the plans, specifications, or estimate must be communicated as a bidder inquiry prior to bid opening. These inquiries or questions, submitted after bid opening will not be treated as a bid protest.

BY ORDER OF the Director of the Community Development Agency, County of El Dorado, State of California.

Authorized by the Board of Supervisors on July 15, 2014, at Placerville, California.

By 

Steven M. Pedretti, Director
Community Development Agency