

C0710 – PALO ALTO FLOOD BASIN TIDE GATE STRUCTURE SEISMIC RETROFIT AND REHABILITATION PROJECT

Project No. 10394001

Invitation No. VW0576

1. Notice.

Notice is hereby given that electronic Bids (eBids) will be received by the Santa Clara Valley Water District (Valley Water) submitted through Valley Water's Vendor Portal in PlanetBids (PlanetBids) as indicated in Section 2. Valley Water's Vendor Portal in PlanetBids, on **WEDNESDAY, JULY 2, 2025**, by **2:00 p.m.**, for furnishing all material and performing all Work necessary for the construction of the **Palo Alto Flood Basin Tide Gate Structure Seismic Retrofit and Rehabilitation Project** located in City of Palo Alto, California.

2. Valley Water's Vendor Portal in PlanetBids.

<https://vendors.planetbids.com/portal/48397/portal-home>

3. Availability of Bid Documents.

- A. The Notice to Bidders (NTB) documents specifying the requirements of the Work and the details of the NTB procedures, Project Plans, Specifications, and Contract Documents, including the Instructions to Bidders and Bid Documents, can be downloaded at PlanetBids.
- B. To download these documents, prospective Bidders must first register as a vendor at PlanetBids indicated above. By registering as a vendor, Bidder will automatically receive notifications of upcoming Valley Water bidding opportunities. Once registered, Bidder can download the documents and the Bidder will be automatically included in the planholders list. There is no charge for downloading these documents.
- C. It is highly recommended that prospective Bidders acquire the Contract Documents directly through PlanetBids in order to bid on this Project and be assured that their Bids include all Addenda. All Addenda must be acknowledged online before selecting "Place eBid" to start the electronic submission process. PlanetBids will direct the prospective bidder to the Addenda tab if at least one acknowledgment is missing prior to entering the submission area.
- D. For questions or assistance regarding the vendor registration, please select the "Help" section within PlanetBids or contact the Valley Water Planroom by sending an email to scwvdpnroom@valleywater.org.

4. California State Department of Industrial Relations Contractor and Subcontractor Registration Requirements.

- A. California Labor Code Section 1771.1 requires:
1. A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the California Labor Code.
- B. An inadvertent error in listing a subcontractor who is not registered pursuant to Section 1725.5 in a bid proposal shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply:
1. The subcontractor is registered prior to the bid opening.
 2. Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee.
 3. The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code within 24 hours after the bid opening.

5. Summary of Work.

- A. The Project scope includes to construct a seismic retrofit and rehabilitation of the existing tide gate structure to extend the service life as specified in Section 12 of the Project Specifications.
1. Perform mobilization, demobilization, clearing and grubbing, removal of vegetation and miscellaneous items, traffic control and coordination of trail closures with the District.
 2. Relocate existing electric utility on the west end of the existing structure to prevent interference with the new concrete pile cap work.
 3. Remove existing chain link fence including anchor bolts securing existing chain link fence to the structure deck.
 4. Remove existing catwalk plates including anchor bolts securing existing catwalk plates to the structure deck.
 5. Perform concrete spall repairs as shown in the Plans and as directed by the Engineer.
 6. Prepare concrete deck surface and furnish and place polyester concrete deck overlays.

7. Install pile foundations and construct concrete pile caps on each side of levee with connection to the existing structure.
8. Construct new chain link fence.
9. Install new catwalk plates.
10. Modify one existing trash rack to provide maintenance access door and install a ladder assembly to provide access from the deck to the trash rack.
11. Furnish and install plants followed by the establishment and maintenance period.
12. Remove and dispose six (6) existing hydraulic flap gates.
13. Furnish and install six (6) new hydraulic flap gates.
14. Provide control of water for removal and installation of the hydraulic flap gates.
15. Compliance with the Project regulatory permits and local permits.
16. Perform other miscellaneous construction activities and items necessary to satisfactorily complete the Work.

The scope of Work is comprised of 5 Milestones:

1. Milestone 1: Complete electric utility relocation on the west side of the structure.
2. Milestone 2: Furnish and install all civil Work pertaining to seismic retrofit including pile foundations and reinforced concrete pile cap.
3. Milestone 3: Furnish and install all civil Work pertaining to rehabilitation including but not limited to polyester polymer concrete overlay, chain link fence, catwalk plates, trash rack modifications, erosion protection, potential levee damage and trail repair, demobilization, and winterizing the site, and plantings.
4. Milestone 4: completion of line item no. 24 – plant establishment and irrigation maintenance and line item no. 25-- irrigation installation and removal.
5. Milestone 5: Completion of Bid Item No.29 – flap gates replacement, if authorized by the engineer.

B. Sole Source Products. **NOT USED.**

6. Contract Time.

Time limit for completion of the Work is **1218** calendar days. See Contract Documents, Special Provisions, Section 12. Work and Contract Time(s), Article 12.03. Contract Time(s), for Milestones and Contract Times.

7. Liquidated Damages.

See Contract Documents, Standard Provisions, Section 5. Prosecution and Progress of Work, Article 5.08. Liquidated Damages, and Special Provisions, Section 12. Work and Contract Time(s), Article 12.05. Liquidated Damages, for requirements regarding Liquidated Damages.

8. Estimated Cost.

The estimated cost of the Project is between **\$2.1**million to **\$2.9**million. This estimate is intended to serve merely as an indication of the magnitude of the Work. Neither the Bidder(s) nor the Contractor will be entitled to pursue a claim or be compensated due to variance in the stated estimated cost range.

A. Supplemental Bid Items.

1. These Bid Items, as listed in PlanetBids, may or may not be required. They may be deleted entirely or in part, by deductive change order(s), at the sole discretion of Valley Water. The sum of the Total Base Bid and the Total Supplemental Bid Items will be used to determine the lowest Bid price.

B. Additive/Deductive Bid Items. NOT USED.**9. Contractor's License Requirement.**

The Bidder must possess a current Class A Contractor's license issued by the California Department of Consumer Affairs, Contractor's State License Board when the Bid is submitted. Regardless of whether a subcontractor must be identified at the time of Bid, each subcontractor must also be properly licensed to perform its scope of Work.

10. Pre-Bid Meeting and Site Visit.

- A. Pre-Bid meeting and site visit will be conducted by Valley Water on **TUESDAY, JUNE 10, 2025**. The Pre-Bid meeting and site visit will convene at **10 a.m.** (Pacific Standard Time), at **BYXBEE PARK PARKING LOT, CITY OF PALO ALTO, CA.**

Anyone not in attendance at the meeting by **10:05 a.m.** will be considered late and as having not attended this **MANDATORY** Pre-Bid meeting and site visit. A Bid submitted by any Bidder not represented at the entire mandatory Pre-Bid meeting and site visit will not be considered and its Bid will not be accepted.

Attendance at the Pre-Bid meeting and site visit by subcontractors is not required.

- B. Attendance by the Bidder at the Pre-Bid meeting/site visit is:
1. Mandatory
 2. Optional
- C. The objective of the Pre-Bid meeting/site visit is to familiarize prospective Bidders with the site. Please confirm your intent to attend the Pre-Bid meeting/site visit 24 hours in advance by registering at the Valley Water Vendor Portal. Additional information regarding the Pre-Bid meeting/site visit will be sent to all prospective Bidders who confirm their intention to attend.
- D. Valley Water will require all participants to bring and wear the appropriate Personal Protection Equipment (PPE) in order to be allowed entrance onto the site and to remain on the site.
- E. Reasonable efforts will be made to accommodate persons with disabilities wishing to attend the Pre-Bid meeting. Please send an email to scvwdplanroom@valleywater.org to request accommodations at least two (2) business days before the Pre-Bid meeting.

11. Inquiries.

- A. The Bidder must submit all requests for clarification, or interpretation of the Bid Documents in accordance with the requirements stated in Instructions to Bidders, paragraph #8. Questions During Bidding. Written questions must be submitted in PlanetBids no later than nine (9) calendar days before the deadline for receipt of Bids.
- B. Valley Water may issue written Addenda as appropriate for clarification or other purposes during the bidding period. Addenda will be posted on PlanetBids and each planholder will be notified automatically.

12. Project Labor Agreement.

- A. Valley Water and the Santa Clara and San Benito Counties Building & Construction Trades Council entered into a Project Labor Agreement (PLA) approved by Valley Water's Board of Directors on January 11, 2022. A Project Labor Agreement is a multi-union pre-hire agreement that governs wages, benefits, work rules, and other terms and conditions of employment at a construction site. The PLA is an agency-wide agreement applicable to all Covered Projects as defined in the PLA, Article 1 Definitions. 1.7, Covered

Project ["a public works project paid for in whole or in part with Valley Water funds, to be performed under contract with Valley Water and not by Valley Water employees covered under this agreement, where either the engineer's estimate or the cumulative bid amount(s) submitted by the contractor(s) awarded a

Construction Contract(s) for the Covered Project exceeds two million dollars (\$2,000,000).”]

- B. A copy of the executed PLA is in the Contract Documents in Appendix A, Project Labor Agreement.
- C. The Contractor must execute Project Labor Agreement, Addendum A - Agreement to be Bound and submit in accordance with the deadline stated in the Instructions to Bidders. Submission of Addendum A - Agreement to be Bound is not required at the time of Bid submittal.
- D. The Bidder must complete and submit Bid Form No. 11, Project Labor Agreement Acknowledgement, at the time of Bid in order for its Bid to be considered responsive.
- E. If the PLA applies to this Project, it is the responsibility of the Contractor to coordinate and schedule a Pre-Construction Conference with the Santa Clara and San Benito Counties Building and Construction Trades Council (Council) prior to starting work at the Project site. The Contractor must provide the Council with the documentation required for the Council to schedule and host a Pre-Construction Conference within 2 weeks after a Notice to Proceed is issued by Valley Water. The Contractor will be subject to the requirements stated in the Special Provisions, Article 12.05 Liquidated Damages, if the Pre-Construction Conference does not occur within this time frame due to late submission of the required documentation by the Contractor.

13. Prevailing Wage Requirements.

- A. Workers employed on this Project must be paid at rates at least equal to the prevailing wage rates as determined by the State of California Department of Industrial Relations pursuant to Section 1770 et seq. of the Labor Code. Said wage rates are incorporated herein by reference and may be inspected upon request. Visit <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm> to view the rates available on the State of California Department of Industrial Relations website. See Contract Documents, Standard Provisions, Section 4. Legal Regulations and Responsibilities, Article 4.04. Prevailing Wages, through Article 4.06. Apprentices, for related requirements.
- B. This Project is subject to compliance monitoring and enforcement by the State of California Department of Industrial Relations. The Contractor and subcontractors must furnish the records specified in California Labor Code Section 1776 directly to the Labor Commissioner, in the following manner: monthly, in a format prescribed by the Labor Commissioner.

14. Bid Proposal Submittal.

Electronic Bid submittal must be at the Valley Water Vendor Portal. The Proposal must be submitted in time for all information to be transferred to PlanetBids before the Bid submission deadline. If the transfer is not completed before the Bid closes, it will be considered submitted late and the Bid Proposal will not be accepted.

15. Bid Opening.

The Bids shall be made available to the public to view in PlanetBids on the date and time stated in this Notice to Bidders, Section 1. Notice.

16. Errors or Discrepancies in the Bids.

Valley Water reserves the right to reject any and all Bid Proposals. Valley Water also reserves the right to waive minor defect(s) or irregularities in any Bid received.

17. Bidder's Security.

- A. Each Proposal must be submitted electronically through PlanetBids and accompanied by a Bidder's Bond in the sum of not less than 10 percent of the total aggregate of the Proposal including all additive and Supplemental Bid items, if any.
- B. Bids shall be presented with an electronic Bidder's Bond (e-Bond) executed and verified by an admitted surety, made payable to Valley Water.
- C. Bidder's Security must be submitted in the form of a verified e-Bond through either Surety2000 at <https://www.surety2000.com> or Tinubu at <https://www.tinubu.com/ebonding> in PlanetBids before the latest date and time for submitting Bid Proposals as specified in Section 1. Notice. The PlanetBids Contract ID for this Project is VW0576.
 - 1. Bidders are solely responsible for completing Surety2000 or Tinubu registration, and payment of associated fees and charges.
 - 2. Valley Water is not responsible to Bidders for (a) Surety2000 or Tinubu acts or omissions; (b) the completeness or timely verification of the authenticity of the issued e-Bond; or (c) any other errors by third parties in the issuance of the e-Bond.
- D. Paper originals of Bidder's Bond that are physically delivered to Valley Water will not be accepted.

18. Contract Retention.

- A. The Contract Retention for this Project is established at five (5) percent of the Contract Price.
- B. The Contract Retention for this Project is established at ten (10) percent of the Contract Price. The Board of Directors has made a finding that the Project is substantially complex and therefore requires retention higher than five (5) percent.

19. Substitution of Securities.

The Contractor may, at the Contractor's request and expense, substitute securities equivalent to the amount withheld by Valley Water to ensure the performance of the contract, in accordance with Public Contract Code §22300.

20. Small Business Preference.

Valley Water has elected to implement the small business preference provisions of Public Contract Code §2002(a)(1). For purposes of Valley Water's program, a small business is as defined in Government Code §14837. See <http://www.valleywater.org/construction> to view the Small Business Enterprise Outreach Program Policy.

21. Rights of Way.

This Project will be constructed within Valley Water's existing rights-of-way.

22. Permits.

It is anticipated that all permits necessary for construction of the Milestone 1-4 of the Project will be finalized before June 2025. The construction contract will not be awarded by Valley Water until all required Permits are obtained.

The Contractor will be required to obtain permits from the City of **PALO ALTO** for use of the public right away for hauling and traffic control. See Contract Documents, Special Provisions, Section 18. Permits and Regulations, Article 18.01.02. Contractor Obtained Permits and Regulatory Deliverables, for permits obtained by the Contractor.

Milestone 5 of the Project flap gates installation will be implemented using the Stream Maintenance Program 2 (SMP-2) Permits. Each year Valley Water submits a list of projects to SMP-2 regulators for their approval of work activities to be conducted in a channel, during the summer season (June 15 - October 15). This Project will be submitted to the SMP-2 regulators and staff expects to receive their approval on June 15, 2026. The scope of work for Milestone 5 will not proceed before approval by the SMP-2 regulators is granted.

See Contract Documents, Special Provisions, Section 18. Permits and Regulations, Article(s) 18.01.01. District-Obtained Permits and 18.01.02. Contractor Obtained Permits and Regulatory Deliverables.

23. Escrow Bid Documents.

- A. Escrow Bid Documents must be submitted by the Bidders submitting the three apparent low Bids. The Escrow Bid Documents must be submitted in a sealed container, separate from the Bidder's Bid proposal, no later than 5 p.m. on the third business day following the Bid opening. Each container shall be clearly marked on the outside with the Bidder's name, date of submittal, Project name, and the words "Escrow Bid Documents." Timely submission of these Documents and Bid Form 10 is considered material by Valley Water.

- B. The Escrow Bid Documents must be accompanied by a separate certification, **FC 1897 “Bid Form 10, Escrow Bid Documents Certification of Completeness,”** signed by an individual authorized by the bidder to execute the Bid Proposal. The Bidder certifies that the material in the Escrow Bid Documents constitutes all of the documentary information used in preparation of this Bid, and that the Bidder’s authorized individual has personally examined the contents of the Escrow Bid Documents container and has determined that the Documents in the container are complete.

24. Equal Opportunity.

Valley Water is an equal opportunity employer, and all Contractors of Valley Water are to have and follow a policy of equal opportunity including adherence to all state and federal laws and regulations, including the Federal Equal Opportunity Clause.

By order of the Board of Directors of the Santa Clara Valley Water District, San Jose, California, on **MAY 27, 2025.**

ATTEST: CANDICE KWOK-SMITH

Clerk, Board of Directors

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