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**SAN FRANCISQUITO CREEK MITIGATION PLANTING AND  
ESTABLISHMENT MAINTENANCE PROJECT**

**Project No. 26284002**

**Contract No. C0644**

1. **Notice.** Notice is hereby given that sealed Bids will be accepted by the Construction Program of the Santa Clara Valley Water District, Room B108, of the District's Administration Building, 5750 Almaden Expressway, San Jose, California 95118 up to 2 p.m. on **Tuesday, February 19, 2019**, for furnishing all material and performing all work necessary for San Francisquito Creek Mitigation Planting and Establishment Maintenance Project.

Additional information and instructions to Bidders is posted on the District's Construction Administration webpage: <https://www.valleywater.org/construction>

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

(See Instructions to Bidders paragraph #13, "C." for the full text.)

California Labor Code section 1771.1 requires:

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.

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.

3. **Summary of Work**

A. Project Description. The project scope includes the following:

The objective of the Project is to install tidal riverine/tidal marsh habitat enhancement and mitigation plantings, and maintain those plantings for a two-year establishment period. The Project includes, but is not limited to, the following major components:

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Planting (anticipated April-May 2019):

1. Care for and maintain approximately 19,500 container plants delivered to the Project by plant nurseries.
2. Prepare planting holes, plant, secure, and backfill approximately 19,500 treeband 2 to treeband 4 native high marsh and high marsh transition container plants in the newly created and tidally inundated marshplain of the creek.
3. Hand water each planting using water from a contractor-supplied water truck.
4. Comply with best management practices (BMPs) to prevent and reduce the introduction and spread of plant pathogens during plant storage, planting, and watering.
5. Maintain access to the Bay Trail during all planting-related work.
6. Comply with endangered species permits during all planting-related work.

Maintenance (anticipated May 2019-June 2021):

1. Supply a water truck and irrigate the plantings as needed.
2. Mow approximately 343,000 square feet (approximately eight acres) of inboard and outboard levee slopes seasonally, and at least annually.
3. Control noxious weeds in and around the marshplain by hand and/or herbicide.
4. Comply with BMPs to prevent and reduce the introduction and spread of plant pathogens during maintenance.
5. Maintain access to the Bay Trail during all plant maintenance-related work.
6. Comply with endangered species permits during all plant maintenance-related work.

The District anticipates awarding a contract for planting and two years of plant maintenance in February 2019. The plant maintenance activities for year two will be awarded as a supplemental bid item. San Francisquito Creek and its marshplain will be free-flowing and subject to the ebb and flow of tides during the entire contract period, including during planting. As such, vehicle access is prohibited on the marsh plain and pedestrian access may be limited during high flow and/or high tide periods. Access to the Bay Trail, which includes the Project levee roads, must remain open during the entire contract period. As such, Project levee roads may not be closed in their entirety to complete the work. Safety and compliance with endangered species permits will influence and may limit the schedule of planting, maintenance work, biological surveys, and monitoring required for some work activities.

- A. Sole Source Products.** Not Used.
- 4. Contract Time.** Time limit for the completion of the work is 790 calendar days.
- A.** Milestone #1: Container planting shall be completed before the expiration of 60 Days from the first chargeable Day of the Contract.
- B.** Milestone #2: The first year of the establishment period shall be completed before the expiration of 425 Days from the first chargeable Day of the Contract.

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- C. Milestone #3: The supplemental second year of the establishment period shall be completed before the expiration of 790 Days from the first chargeable Day of the Contract.
- D. Milestone #4: Complete all remaining Work (Project Completion)
5. **Liquidated Damages.** See Standard Provisions, Liquidated Damages, Article 5.07 and Special Provisions, Liquidated Damages, Article 12.05 of the Contract Documents for requirements regarding Liquidated Damages.
6. **Estimated Cost.** The estimated cost of the Project is between \$0.6 Million and \$0.8 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. **Additive/Deductive Bid Items.** None
- B. **Supplemental Bid Items.** These Bid Items may or may not be required. They may be deleted entirely or in part, by deductive change order(s), at the sole discretion of the District. The sum of the Total Base Bid and the Total Supplemental Bid will be used to determine the lowest Bid price.
7. **Contractor's License Requirement.** The Bidder must possess a Class A or C-27 Landscaping Contractor's license when the Bid is submitted.
8. **Pre-Bid Conference and Site Showing.** A pre-bid/site visit will be conducted by the District on Thursday, January 31, 2019. The conference will convene at 10:00 AM at the Baylands Athletic Center, 1900 Geng Road, Palo Alto, CA 94303. The pre-bid/site visit will begin with a District presentation on the Small Business Outreach Program. A Bid submitted by any Bidder not represented at a mandatory pre-bid conference/site visit will be considered non-responsive. Attendance at the pre-bid by subcontractors is required. Attendance by the Bidder at the pre-bid conference/site visit is:

**Mandatory**

Optional

The objective of the site visit is to familiarize prospective Bidders with the site; no additional site visits will be allowed. Please confirm your intent to attend the pre-bid meeting and site visit 24 hours in advance by sending e-mail to [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

Reasonable efforts will be made to accommodate persons with disabilities wishing to attend the pre-bid meeting/site visit. Please request accommodations when confirming attendance.

- 9. Availability of Bid Documents.** Contract Documents, including Drawings and Specifications, are available in both paper and electronic (pdf) formats. Paper copies may be purchased for the nonrefundable price of \$40. Provide FedEx account number or add \$10 per set for packaging and postage. Electronic version is free, transferred via file transfer appliance (FTA) site.

To order Contract documents:	Request Form and information available online. Website: <a href="https://www.valleywater.org/construction">https://www.valleywater.org/construction</a> Email: <a href="mailto:scvwdplanroom@valleywater.org">scvwdplanroom@valleywater.org</a> FAX: (408) 979-5631 Phone: (408) 630-3088
To pick up Contract documents in person:	Santa Clara Valley Water District 5700 Almaden Expressway San Jose, CA 95118 Business Hours: 8 a.m. – 5 p.m.

- 10. Inquiries.** The Bidder must submit all requests for clarification, or interpretation of the Bid Documents in accordance with the requirements stated in Instructions to Bidders, Questions During Bidding, paragraph #7. Written questions must be directed to the project manager and submitted at least nine (9) calendar days before the deadline for receipt of Bids.

The District may issue written Addenda as appropriate for clarification or other purposes during the bidding period. Addendum notification(s) will be sent to each planholder at the email address provided by the contractor for the planholders list and addenda will be posted on the District’s website at <https://www.valleywater.org/construction>.

- A. Project Manager.** The District’s project manager for this Project is Bill Springer and can be reached via e-mail at [bspringer@valleywater.org](mailto:bspringer@valleywater.org) or at (408) 630-2259.
- B. Process Questions.** For questions regarding the advertisement process, contact the District Plan Room at (408) 630-3088, or [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

**11. 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 §1770 of the Labor Code. Said wage rates are incorporated herein by reference and may be inspected upon request. The rates are also available on the State of California Department of Industrial Relations website at <http://www.dir.ca.gov/>. See Standard Provisions, Prevailing Wages Article 4.04. through Appendices Article 4.06. 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 Section 1776 directly to the Labor Commissioner, in the following manner: monthly, in a format prescribed by the Labor Commissioner.

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**12. Bid Proposal Submittal.** All Bids must be submitted in sealed envelopes addressed to Construction Program of the Santa Clara Valley Water District, and state the Project name and Project number on the outside of the sealed envelope. Each Bid must be submitted on the prescribed Bid Forms. All information on Bid Forms must be completed in ink.

**A. Alternate Delivery for Bid Submittal.** Bidders electing to submit a Proposal by FEDEX, UPS, DHL, CA Overnight, Golden State Overnight, etc., must address the submittal in accordance with instructions stated in Paragraph 12 above. Any Proposal received after 2 p.m. will be considered non-responsive.

Address the outside delivery envelope as follows:

Santa Clara Valley Water District  
Attention: Construction Program — **BID**  
5905 Winfield Boulevard  
San Jose, CA 95123-2428

Note: USPS (US Mail) does not deliver to 5905 Winfield Boulevard.

**13. Bid Opening.** The Construction Program staff will open Proposals at the time and place stated in Notice, paragraph #1 above.

**14. Errors or Discrepancies in the Bids.** The District Board of Directors reserves the right to reject any and all Bid Proposals and to waive minor defects or irregularities in any submitted Bid Form(s).

**15. Bidder's Security.** Each Proposal must be accompanied by cash, a certified check, cashier's check, or an original Bidder's bond in the sum of not less than 10 percent of the total aggregate of the Proposal including all additive Bid items. Said checks or bond must be made payable to the Santa Clara Valley Water District.

**16. Contract Retention.**

The Contract Retention for this Project is established at five (5) percent of the Contract Price.

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 percent.

**17. Substitution of Securities.** The Contractor may, at the Contractor's request and expense substitute securities equivalent to the amount withheld by District to ensure the performance of the contract in accordance with Public Contract Code Section 22300.

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18. **Small Business Preference.** The District has elected to implement the small business preference provisions of Public Contract Code §2002(a)(1). For purposes of the District's program, a small or micro business is as defined in Government Code §14837. Please refer to the small business compliance requirements stated in the Small Business Instructions included with these Bid documents.
19. **Equal Opportunity.** The District is an equal opportunity employer and all contractors of District projects 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,  
January 22, 2019.

ATTEST: MICHELE L. KING, CMC

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Clerk/Board of Directors