

**C0687 - BOLSA ROAD FISH PASSAGE IMPROVEMENTS PROJECT****Project No. 26044004****Invitation No. VW0181****1. Notice.**

Notice is hereby given that electronic Bids (eBids) will be received by the Santa Clara Valley Water District (Valley Water) submitted through PlanetBids (PB System™) as indicated in Section 2. Santa Clara Valley Water District Vendor Portal, on **Thursday, June 2, 2022 by 2:00 p.m.**, for furnishing all material and performing all Work necessary for construction of the Bolsa Road Fish Passage Improvements Project (Project) within the City of Gilroy, California.

**2. Santa Clara Valley Water District (Valley Water) Vendor Portal.**

<https://pbsystem.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 the Valley Water Vendor Portal.
- B. To download these documents, prospective Bidders must first register as a vendor at the Valley Water Vendor Portal 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 the Valley Water Vendor Portal 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. The PB System™ will direct the prospective bidder to the Addenda tab if at least one acknowledgement is missing prior to entering the submission area.
- D. For questions or assistance regarding the vendor registration, please select the "Help" section within the PB System™ or contact the Valley Water Planroom by email at [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

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

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:

- A. The subcontractor is registered prior to the bid opening.
- B. Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee.
- C. 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. Project Description. The Project scope includes the following:
  - 1. Clearing and grubbing within the Project limits, including the removal and legal disposal of the designated trees, debris, and other miscellaneous items;
  - 2. Demolition, removal, and disposal/recycle of existing concrete structures, rubble, and automobile bodies;
  - 3. Channel excavation and embankment construction, including constructing a low flow channel with between 1:1 and 1.5:1 side slopes;
  - 4. Removal and replacement of unsuitable material in order to construct ten (10) riffle-pool structures to facilitate fish passage;
  - 5. Construct ten (10) in-channel riffle-pool fish passage structures of varying dimensions consisting of 3-, 2-, 1-, ½-ton rock, and gravel for approximately 1,700 linear feet of channel. Structures are pairs of cross-channel weirs with gravel pools and low-flow channels between;
  - 6. Import approximately 11,600 cubic yards of the rock and gravel to construct the riffle-pool structures;
  - 7. Construct approximately 800 linear feet (along the channel bank) of rock slope protection;

8. Hydroseeding on reconstructed banks and temporarily disturbed areas and revegetation with blackberry container plants above reconstructed banks and with up to 2,000 sf of willow cuttings at the toes of the creek;
9. Other miscellaneous construction work and items necessary to satisfactorily complete the demolition and construction Work;
10. Protect trees that are not identified to be removed;
11. Provide for control of water as required to complete the creek construction;
12. Compliance with NPDES Construction General Permit, including preparation of a Storm Water Pollution Prevention Plan (SWPPP), installation of Best Management Practices (BMPs) (as specified in the Specifications), and implementing the approved SWPPP;
13. Compliance with the Project regulatory permits, including the California Department of Fish and Wildlife Streambed Alteration Agreement; Central Coast Regional Water Quality Control Board Water Quality Certification; U.S. Army Corps of Engineers Nationwide Permit No. 27 for Aquatic Habitat Restoration, Enhancement, and Establishment Activities; National Marine Fisheries Service Biological Opinion; and Santa Clara Valley Habitat Plan compliance (including avoidance measures and BMPs); and
14. Replacement, in kind, of any existing landscaping that will be disturbed by construction activities. Any landscape, fences or structures, including access points, disturbed by construction shall be replaced in kind.

B. Sole Source Products. None.

6. **Contract Time.** Time limit for the completion of the Work is **1,704 calendar days**. See Contract Documents, Special Provisions, Article 12.03. Contract Time(s), for Milestones and Contract Times.

7. **Liquidated Damages.** See Contract Documents, Standard Provisions, Article 5.08. Liquidated Damages, and Special Provisions, Article 12.05. Liquidated Damages, for requirements regarding Liquidated Damages.

8. **Estimated Cost.** The estimated cost of the Project is between \$3.7M to \$4.7M. 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. Not used.

B. Supplemental 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 Conference and Site Visit.**
- A. A Pre-Bid conference/site visit will be conducted by Valley Water on **Thursday May 19, 2022**. The conference will convene at 10:00 a.m. (Pacific Standard Time), at Christopher Ranch, 305 Bloomfield Avenue, Gilroy, CA 95020. Attendance at the Pre-Bid conference/site visit by subcontractors is not required.
- B. Attendance by the Bidder at the Pre-Bid conference/site visit is:
- ☐ Mandatory
- ☒ Optional
- C. The objective of the Pre-Bid conference/site visit is to familiarize prospective Bidders with the site. Please confirm your intent to attend the Pre-Bid conference/site visit 24 hours in advance by registering at the Valley Water Vendor Portal. Additional information regarding the Pre-Bid conference/site visit will be sent to all prospective Bidders who confirm their intention to attend.
- D. Reasonable efforts will be made to accommodate persons with disabilities wishing to attend the Pre-Bid conference/site visit. Please request accommodations by email at [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).
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 #7. Questions During Bidding. Written questions must be submitted in the Valley Water Vendor Portal 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 the Valley Water Vendor Portal and each planholder will be notified automatically.
12. **Project Labor Agreement.**
- A. Valley Water and the Santa Clara and San Benito Counties Building and Construction Trades Council have 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 agencywide agreement applicable to all Covered Projects (as defined in the PLA) which exceed two million dollars

(\$2,000,000).

- B. A copy of the executed PLA is in the Contract Documents at 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.

**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. The rates are also available on the State of California Department of Industrial Relations website at: <http://www.dir.ca.gov/>. See Contract Documents, Standard Provisions, 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 the PB System™ 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 opening of bids shall be made available to the public only by video teleconference, live stream, on the date stated in this Notice to Bidders, Section 1. Notice, above, at 2:30 p.m. The results will be available at the Valley Water Vendor Portal and posted on Valley Water's website at <https://www.valleywater.org/construction> no later than close of business the following day.

- A. **Join Zoom Meeting.** Any person interested in attending the live-stream bid opening, may do so by accessing the link below, or join via phone by calling the toll-free number listed below:

Join Zoom Meeting: <https://valleywater.zoom.us/j/3796054075>

Meeting ID: 379 605 4075

One tap mobile:

+16699009128, 3796054075# US (San Jose)

+13462487799, 3796054075# US (Houston)

Dial by your location:

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 379 605 4075

Find your local number: <https://valleywater.zoom.us/j/aekffBkBma>

16. **Errors or Discrepancies in the Bids.** Valley Water's 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).
17. **Bidder's Security.**
- A. Each Proposal must be submitted electronically through the Valley Water Vendor Portal 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. Original Bidder's Bond documents with embossed seal from the Surety must be **received by Valley Water before the latest date/time for submitting Bid Proposals**. The original Bidder's Bond documents must be sent to the address indicated below or hand-delivered to the address indicated below. Non-compliance will result in a Bid Proposal being determined non-responsive.

**BIDDER'S BOND DELIVERY.** Bidders are only allowed to submit original Bidder's Bond documents by third party carrier or by hand delivery.

1. THIRD PARTY CARRIER such as: FEDEX, UPS, DHL, CA Overnight, Golden State Overnight, etc. **Any Bidder's Bond received after the date and time stated above will not be considered. Late Bidder's Bond submissions will be returned unopened.**

**NO DELIVERY WILL BE ACCEPTED VIA USPS (US MAIL).** USPS does not deliver to 5905 Winfield Boulevard (Winfield Warehouse).

Address the outside delivery envelope as follows:

Santa Clara Valley Water District  
Attention: Construction Contracts & Support Unit  
**C0687– Bolsa Road Fish Passage Improvements Project**  
**Project No. 26044004**  
5905 Winfield Boulevard  
San Jose, CA 95123 2428

**NOTE: Winfield Warehouse hours of operation are Monday through Friday, except for Valley Water holidays; open from 8 AM to 5 PM; and closed from 12 PM to 1 PM.**

2. HAND DELIVERY shall only be accepted between the hours of **1:00 p.m. to 2:00 p.m. on the date of the Bid Opening as stated in this Notice to Bidders, Section 1. Notice, at the Valley Water Administration Building located at 5750 Almaden Expressway, San Jose, CA 95118.**
  - a. Bidder's Bond shall be delivered at a drop off box, marked "Bid/Submittal Drop Box" located in front of the entrance door.
  - b. Bidders must take a picture using its cell phone showing the sealed Bidder's Bond envelope and the "Official Bid Clock" timer as proof of delivery.
  - c. **Any Bidder's Bond received after the date/time stated above will not be considered. Bidder's Bond submitted late will be returned unopened.**

**18. 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.

**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 Section 22300.

**20. Small Business Preference.** Not used.

**21. Rights of Way.**

- A. Work will take place adjacent to public streets and rights of way in the City of Gilroy and/or the County of Santa Clara. In the performance of the Work, the Contractor shall comply with the ordinances, regulations, and all other requirements of the authorities governing work in public streets and rights of way.



- B. The District has secured all rights of way as shown on the Drawings and in Appendix B in the Specifications, Permission to Enter Agreements. The Contractor has full use of these rights of way except for the limitations specified in these Specifications and as noted on the Drawings.

**22. Permits.** Valley Water received all necessary permits to construct the Project.

- A. NPDES Construction General Permit (see Standard Provisions).
- B. Clean Water Act Section 404 Nationwide Permit No. 27 from the U.S. Army Corps of Engineers (File No. 2019-00061S).
- C. Clean Water Act Section 401 Water Quality Certification/Waste Discharge Requirements from the Central Coast Regional Water Quality Control Board (No. 34319WQ01).
- D. 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (Notification No. 1600-2019-0011-R3).
- E. Programmatic Biological Opinion from the National Marine Fisheries Service (WCR-2015-3755).
- F. Santa Clara Valley Habitat Plan compliance.

**23. Equal Opportunity.** Valley Water is an equal opportunity employer, and all Contractors of Valley Water 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, on May 10, 2022.

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors