
CUNNINGHAM FLOOD DETENTION CERTIFICATION PROJECT

Project No. 40264011

Contract No. C0641

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 May 23, 2018, for furnishing all material and performing all work necessary for construction of the Cunningham Flood Detention Certification Project, San Jose, California.

Additional information and Instructions to Bidders is posted on the District's Construction Administration webpage:

<http://www.valleywater.org/construction>

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

(See Standard Provisions, Prevailing Wages, Article 4.04. 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 Work to be completed under this Contract shall consist of furnishing all tools, equipment, materials, supplies, and manufactured articles and furnishing all labor, transportation and services, including fuel, power, water, and essential

communications, and performing all work, or other operations required to construct the Cunningham Flood Detention Facility Certification Project, all within the City of San Jose, as illustrated on the Drawings and detailed in these Specifications. Any quantities provided with Article 12.01. Summary of Work are approximate unless specified as final quantities in the Contract documents. Should there be a discrepancy between the quantities included herein and elsewhere in the Contract documents, those quantities specified elsewhere on the Contract shall govern. This project is being constructed to provide sufficient freeboard required to achieve FEMA certification of the Cunningham Flood Detention Facility, and provide 1-percent flood protection to homes, businesses, and schools near Lake Cunningham park. The Work includes, but is not limited to, the following:

1. Compliance with NPDES General Permit, including Storm Water Pollution Prevention Plan preparation, installation of BMP's, and implementing the approved SWPPP;
2. Compliance with the project regulatory permits including the Lake and Streambed Alteration Agreement (CDFW), the Waste Discharge Requirements (SFBRWQCB), and Santa Clara Valley Habitat Plan;
3. Noise and vibration monitoring generated from construction activities;
4. Develop and implement traffic control for the project upon approval by the City of San Jose;
5. Clearing and grubbing within the project limits, removal of trees and vegetation (including existing riparian species), and removal and disposal of other miscellaneous items identified in the Drawings;
6. Control of water; including proper handling and disposal of groundwater flows when performing the pile installation for the floodwall;
7. Excavation and disposal of organic laden topsoil materials from the existing levee and new floodwall;
8. Construction of a 1 to 4 foot raised levee approximately 2,500 feet long on top of the existing levee;
9. Pavement of the maintenance road on top of the raised left bank levee and the ramps located on west side of the Cunningham Avenue bridge;
10. Remove and dispose approximately 1,340 feet long of the existing chain link fence and replace in kind;
11. Remove, dispose, and install a new chain link double gate at west side of Cunningham Avenue bridge; install a chain link single gate at the pedestrian access located on the side of White Road;

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12. Construct approximately 1,450 feet long cast-in-place concrete floodwall with concrete cast-in-drilled-hole (CIDH) piles and concrete pile cap;
 13. Install surface texturing to floodwall with decorative patterns as shown on the Drawings;
 14. Protect an existing underground AT&T communication line in place as shown on the drawings;
 15. Protect an existing PG&E electrical line in place as shown on the drawings;
 16. Coordinate with PG&E and AT&T, if needed, to perform utility protection in place as shown in the Drawings and provided in these Specifications;
 17. Install a mechanical seal around an existing water line to relocate the line through the floodwall; coordinate with City of San Jose Park staff during the waterline relocation;
 18. Remove existing pedestrian access path on Cunningham Avenue and construct a new pedestrian access path on White Road;
 19. Replacing and planting riparian trees at various locations along the creeks as shown in the Drawings; and provide labor and materials for a three-year plant establishment maintenance period following the plant installation;
 20. Replacing and planting City of San Jose ordinance trees at various locations within the park as shown in the Drawings; Provide labor and materials for a one-year plant establishment maintenance period following the plant installation;
 21. Demolish, remove and dispose of the existing trash compactor, green waste collector, and concrete structure located near the corner of Cunningham Avenue and White Road.
 22. Install a new trash compactor and green waste collection facility, including construction of a new concrete pad and connection of electricity line from PG&E main power line as shown in the Drawings.
 23. Regrade the park trails and surrounding area near the lake as shown in the Drawings;
 24. Install trees, irrigation system;
 25. Install fence and signs around the planted trees;
 26. Provide one-year establishment maintenance for the planted city trees and shrub areas;

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27. Provide three-year establishment maintenance for the planted riparian trees;
 28. Perform other miscellaneous construction work and items necessary to complete the work included in the Drawings and Specifications.

The Contractor is advised that in the course of performing the work to be completed under this Contract includes, if any existing landscaping and its associated appurtenances owned by the City of San Jose Parks and Recreation & Neighborhood Services have been damaged by construction activities, replacement shall be "in-kind" at the Contractor's expense.

The Contractor's attention is directed to the existing park access and construction access in City streets around the Lake Cunningham Park, such as Cunningham Ave, White Road, Tully Road, and Capitol Expressway. Any existing landscape or structures at these access points, shall be protected or if disturbed by construction shall be replaced in kind at the Contractor's expense.

There are a number of utility vaults and covers (owned by PG&E, AT&T, and City of San Jose) located between the existing chain-link fence and Cunningham Avenue between the Cunningham Avenue bridge and White Road. These existing surface facilities shall be protected before the construction activities commence. A steel plate, minimum ¼-inch thick and 2-foot wider on each side than the vault's edge, shall be placed on the top of the vaults when using this area as access for the floodwall construction.

B. Sole Source Products. Not used.

4. **Contract Time.** Time limit for the completion of the work is 270 calendar days.
 - A. Milestone #1: Complete relocation of the trash compactor and green waste collector including removing the old compactor and old green waste collector by September 30, 2018.
 - B. Milestone #2: Complete all levee embankment, floodwall, and all other associated work within the project area by March 31, 2019.
 - C. Milestone #3: Complete the one-year planting establishment and maintenance for City of San Jose ordinance planting only by March 31, 2020.
 - D. Milestone #4: Complete the three-year planting establishment and maintenance for riparian planting only by March 31, 2022.
 - E. 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 \$4.7M to \$6M. 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.

7. Contractor's License Requirement. The Bidder must possess a Class A Contractor's license when the Bid is submitted.

8. Pre-Bid Conference and Site Showing. A pre-bid conference/site visit will be conducted by the District on Thursday, April 26 at 10:00AM. The conference will convene at Lake Cunningham Park, located at 2305 S. White Road, San Jose, California, 95148 at the Cypress Pavilion. The pre-bid conference 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 will not be 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.

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 \$70. 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: http://www.valleywater.org/construction Email: scvwdplanroom@valleywater.org 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.

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- 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 www.valleywater.org/construction.

- A. Project Manager.** The District's project manager for this Project is Zhen Shao and can be reached via e-mail at zshao@valleywater.org or at (408) 630-3010.
- B. Process Questions.** For questions regarding the advertisement process, contact the District Plan Room at (408) 630-3088, or 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.

- 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.
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. **Governmentwide Debarment and Suspension.** The Bidder shall comply with the provisions of subpart C of 2 CFR Part 180, which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participation in Federal nonprocurement transactions.
20. **New restrictions on lobbying bidders and subcontractors at any tier with a covered transaction greater than \$100,000 are subject to 15 CFR Part 28, "New Restrictions on Lobbying" including certification on Bid Form A.** Lower tier covered transactions must include a Form CD-512, "Certification Regarding Lobbying—Lower Tier Covered Transactions." Complete without modification.

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21. This project is partially funded by grant from the Natural Resources Construction Services. The Bidders and Contractor are required to comply with federally mandated rules and requirements. Special attention is directed to Appendix B of the Specifications and the Federal Requirements Bid Forms included in this package.
 22. **Permits.** This Project will be constructed under a 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife and a 401 Water Quality Certification/Waste Discharge permit from the San Francisco Regional Water Quality Control Board referenced in the Section 19 of the Special Provisions. The District will be issuing an addendum once these permits are obtained. The contract will not be awarded until the permits have been received.
 23. The City of San Jose will require an encroachment permit from the District; however, the permit application requires insurance information from the Contractor to complete. The Contractor will be required to submit their insurance information after the Award of this contract so the District can obtain the City of San Jose encroachment permit.
 24. 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, on April 10, 2018.

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Directors