

**WATERSHED ASSET REHABILITATION PROGRAM (WARP)**  
**UVAS CREEK LEVEE REHABILITATION PROJECT PHASE 2**  
**PROJECT NO. 62084001 – TASK NO. 5175**  
**CONTRACT NO. C0648**

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 Wednesday, May 15, 2019, for furnishing all material and performing all work necessary for construction of the Watersheds Asset Rehabilitation Program (WARP) – Uvas Creek Levee Rehabilitation Project Phase 2, located in Gilroy, CA.

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:

1. Compliance with and implementation of Best Management Practices (BMPs) per the Santa Clara Valley Habitat Plan;
2. Compliance with NPDES Construction Permits, and installation of BMPs;
3. Compliance with BMPs described in the California Environmental Quality Act (CEQA) Final Uvas Creek Initial Study/Negative Declaration dated July 2018;
4. Compliance with the California Department of Fish and Wildlife Lake Streambed Alteration Agreement Permit Conditions and Requirements;

5. Control of water, including but not limited to proper handling and disposal of incidental water, including ground water and flows that are byproducts of the required construction;
6. Clearing and grubbing within the project limits, including the removal of vegetation, and other miscellaneous items;
7. Levee excavation, including testing and disposal of unsuitable materials;
8. Levee reconstruction including replacement of unsuitable materials with import materials, as required, to re-establish the channel as-built geometry;
9. Installation and anchoring of chain link fabric along the finished surface of the levee slopes;
10. Installation of erosion control mat and hydroseeding after completion of chain link fabric installation;
11. Traffic control;
12. Establishment of construction staging area(s);
13. Three (3)-year chain link fabric mesh maintenance and hydroseed establishment period;
14. Potential winterization of all levees and embankments for early termination of work;
15. Coordination of Trail closure activities with the City of Gilroy;
16. Cold planing asphalt concrete and installation of new asphalt concrete overlay at certain segments of the existing trail alignment as field-determined by the Engineer;
17. Remove existing asphalt pavement and replace with full depth asphalt pavement at certain locations;
18. Using asphalt emulsion to seal cracks in existing trail as field-determined by the Engineer;
19. Performing slurry seal and striping of the existing trail alignment as field-determined by the Engineer; and
20. Other miscellaneous construction activities and items necessary to satisfactorily complete the Work.

**B. Sole Source Products.** Not used.

- 4. Contract Time.** Time limit for the completion of the work is 1,250 calendar days from the first chargeable day of the Contract, which includes Milestone #4. Milestones #1, #2, and #3 shall be completed within a maximum duration of 80 full working days.

- A. **Milestone #1:** Completion of a minimum of fifty (50) percent of contract work items for the inboard side of the levee, measured longitudinally for a restored levee, except Milestone #3 activities, by August 23, 2019.
- B. **Milestone #2:** Completion of all contract work items, except Milestones #3 and #4 activities by October 15, 2019. This includes restoring any staging area(s) to pre-existing or better conditions by this date.

- C. **Milestone #3:** Completion and acceptance of the hydroseeding work, in full compliance with Article 23.04.
  - D. **Milestone #4:** Completion of the three-year planting establishment period, no later than 1,250 calendar days from the first chargeable day of the Contract.
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 **\$4.2 to \$4.5M**. 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.** 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 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 April 18, 2019. The conference will convene at 10:00 AM at the intersection of Miller Avenue and Uvas Parkway, City of Gilroy. 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 is not 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 by May 6, 2019 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 Ted Ibarra and can be reached via e-mail at [tibarra@valleywater.org](mailto:tibarra@valleywater.org) or at (408) 630-2067.
- 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.

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. **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.
20. This Project will be constructed under the Regulatory-approved Santa Clara Valley Habitat Plan (VHP) blanket permits referenced in Section 19 of the Special Provisions.
21. A separate Streambed Alteration Agreement (Agreement) shall be provided by California Department of Fish and Wildlife by May 6, 2019. Agreement and BMP conditions, if required, will be captured for the Project through the pre-bid addendum process.

By order of the Board of Directors of the Santa Clara Valley Water District, San Jose, California, on April 9, 2019.

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors