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**UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT**

**Phase 1: Reach 4, portion of Reach 5, Reach 7A,  
and Lake Silveira on-site mitigation**

**Project No. 26174052**

**Contract No. C0645**

1. **Notice.** Notice is hereby given that sealed Proposals will be accepted by the Construction Program of the Santa Clara Valley Water District, Room B108, District's Administration Building, 5750 Almaden Expressway, San Jose, California 95118 up to 2 p.m. on Wednesday, June 26, 2019, for furnishing all material and performing all work necessary for construction of Phase 1 of the Upper Llagas Creek Flood Protection Project, City of Morgan Hill, City of Gilroy, and unincorporated areas of Santa Clara County, including San Martin, CA.

2. **California State Department of Industrial Relations Contractor and Sub Contractor Registration Requirements.** (See Article 3.05 and 6.04 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, in accordance with the Contract Documents, includes the following:

- Full compliance with federal, state, and local laws, ordinances, permits, as required to construct the project;
- Full compliance with the terms and conditions of various Resource Agency permits obtained for the project;
- Furnish a licensed biologist, licensed arborist, and licensed geologist as required for the project;

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- Compliance with NPDES General Permit, including SWPPP preparation, and installation of Best Management Practices (BMP's);
  - Control of water, including the design, implementation, and maintenance of dewatering facilities;
  - Mobilization, including, but not limited to the installation of fully operational temporary trailers/office facilities;
  - Demobilization, including, but not limited to the removal and/or legal disposal of all temporary facilities;
  - Support Public Outreach efforts;
  - Implement and maintain public safety measures, including, but not limited to installation of temporary fencing at the perimeter of the work areas;
  - Clearing and grubbing within the project limits, including demolition, the removal of trees, vegetation, concrete, and other miscellaneous items;
  - Remove and legally dispose of non-native plants and trees;
  - Surveying, grade control, and construction staking;
  - Construct drainage swales;
  - Structure removal or demolition, and legal disposal of miscellaneous structures;
  - Channel excavation to deepen and widen existing creek, general and embankment fill, at varying slopes, removal and replacement of unsuitable material to increase channel capacity;
  - Construction of a bank-full channel design, including a roughened low flow channel;
  - Hauling and legal disposal of materials;
  - Topsoil harvesting, storage, and placement;
  - Bedload harvesting, storage, and placement;
  - Constructing and surfacing aggregate base maintenance roads;
  - Street reconstruction as required to construct the project;
  - Constructing access ramps from maintenance roads to the channel invert;
  - A C-57 licensed contractor to properly abandon existing wells, including monitoring wells as shown within the project limits;
  - Modifying and constructing storm drain outfalls and connections of existing and new storm drain culverts, including drop inlets and outlets;
  - Provide all the necessary traffic control signage, devices, etc as required for temporary road work, including closures;

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- Install temporary pedestrian detours, including all materials, concrete, fencing, signage, as required to safely detour pedestrians;
  - Salvaging and reinstalling Santa Clara Valley Water District equipment and appurtenances;
  - Installation of permanent fencing, bollards, and gates;
  - Installation of pre-cast reinforced concrete box culverts;
  - Cast-in-place reinforced concrete structures including, but not limited to debris fins, transition structures, wing walls, culvert inlets, and culvert outlets;
  - Replace or install various concrete driveways, sidewalks, curbs and gutters;
  - Existing bridge structural modifications, including, but not limited to underpinning;
  - Installation of temporary grade transition structures and permanent grade control structures;
  - Installation of rock slope protection;
  - Utility coordination and relocations including, but not limited to potable water line facilities, sewer facilities, and storm drain facilities;
  - Coordinate work activities with various utility companies or owners needed to relocate their facilities as required for the project;
  - Installation of 1/4-ton rock lining, concrete lining, and grouted rock lining;
  - Construction of in-stream complexity structures;
  - A licensed C-27 contractor install the revegetation plantings, including 3-year plant establishment and maintenance period;
  - A licensed C-27 contractor install the landscape plantings, including 3-year plant establishment and maintenance period;
  - Installation and maintenance of planting irrigation systems;
  - Non-native plant control, including but not limited to a Contractor with a current California Pesticide Applicator and Business licenses;
  - Implementation of a soils and groundwater and surface water management plan, including but not limited to soil stockpiling, soil testing, water quality testing, and legal disposal;
  - Proper excavation, handling, and legal disposal of contaminated materials, including hazardous materials;
  - Other miscellaneous construction work and items necessary to satisfactorily complete the project work.

**B. Sole Source Products. Not Used**

*This form must be completed in **ink** and changes must be **initialed**.*

4. **Contract Time.** Time limit for the completion of the work is 2,095 calendar days.
- A. Milestone #1 (Flood Protection Completion): Complete all work within the Llagas Creek and its tributaries (within "waters of the U.S.") within 800 calendar days from the First Chargeable Day of the Contract.
  - B. Milestone #2 (Substantial Completion): Completion of all civil work, including aggregate maintenance roads, permanent fencing, mitigation and landscape plant installation with operational irrigation systems within 1,000 calendar days from the First Chargeable Day of the Contract.
  - C. Milestone #3 (Project Completion): Completion of the Project, including the three-year mitigation planting establishment and maintenance period, by 2,095 calendar days from the First Chargeable Day of the Contract.
5. **Liquidated Damages.** See Special Provisions Article 5.07 and Article 11A.07 of the contract documents for requirements regarding Liquidated Damages.
6. **Estimated Cost.** The estimated cost of the Project is between \$40 million and \$45 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.** 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; in addition, the Bidder or subcontractor must possess an International Society of Arboriculture (ISA) Certification, C-27 Specialty license, a C-57 license, a California Pesticide Applicatory license, and Applicator Business license. All licenses must be in effect when the Bid is submitted.
8. **Pre-Bid Conference and Site Showing.** A pre-bid conference site visit will be conducted by the District staff on Thursday, June 6, 2019. The pre-bid conference will convene at 10:00 am at approximately 380 West Middle Avenue, Morgan Hill between Monterey Road and Olive Avenue. The pre-bid conference will begin with a Santa Clara Valley Water 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.** Please confirm your intent to attend the pre-bid meeting a minimum of 24 hours in advance by sending e-mail to [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

Attendance by the Bidder at the pre-bid conference is:

☒ Mandatory

☐ Optional

The objective of the site visit is to familiarize prospective Bidders with the project; no additional site visits will be conducted by the District. Please confirm your intent to attend the site visit a minimum of 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 \$130. Provide FedEx account number or add \$20 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 Santa Clara Valley Water District 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 Santa Clara Valley Water District 's website at <https://www.valleywater.org/construction>.

- A. Project Manager.** Santa Clara Valley Water District 's project manager for this project is Ms. Sunshine V. Julian and can be reached via e-mail at [svjulian@valleywater.org](mailto:svjulian@valleywater.org) or at (408) 630-2273.
- B. Process Questions.** For questions regarding the advertisement process, contact Santa Clara Valley Water District Plan Room at (408) 630-3088, or [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

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**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 — Articles 4.04 through 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 Proposals must be submitted in sealed envelopes addressed to Construction Program of the Santa Clara Santa Clara Valley Water District 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 Santa Clara Valley Water District 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 Paragraph 1 above.

**14. Errors or Discrepancies in the Bids.** Santa Clara Santa Clara Valley Water District 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).

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15. **Bidders Security.** Each Proposal must be accompanied by cash, a certified or cashier's check, or a 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 bonds must be made payable to the Santa Clara Santa Clara Valley Water District District.
16. **Contract Retention.**
- ☒ The Contract Retention for this Project is established at five percent of the Contract Price.
- ☐ The Contract Retention for this Project is established at ten 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 Santa Clara Valley Water District to ensure the performance of the contract in accordance with §22300 of the Public Contract Code.
18. **Small Business Preference.** Santa Clara Valley Water 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. **Escrow Bid Documents.** Escrow Bid Documents must be submitted by the three apparent low bidders in a sealed container, separate from their proposal, no later than 5 p.m. on the first Monday following the Bid opening day. Each container shall be clearly marked on the outside with the bidder's name, date of submittal, project name, and the words "Escrow Documents."

The Escrow Bid Documents must be accompanied by a separate certification, signed by an individual authorized by the bidder to execute the bidding proposal, stating that the material in the Escrow Documents constitutes all of the documentary information used in preparation of this bid, and that he/she has personally examined the contents of the Escrow Documents container and has found that the documents in the container are complete.

Escrow Bid Document requirements are set forth in the Standard Provisions.

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- 21. Rights of Way.** The District has obtained all necessary Rights of Way, except for the Lake Silveira property. It is anticipated that the acquisition will be finalized in May or June 2019. The construction contract will not be awarded by the District until all required Rights of Way are secured.

By order of the Board of Directors of Santa Clara Valley Water District, San Jose, California, on May 14, 2019.

ATTEST: MICHELE L. KING, CMC

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Clerk/Board of Directors