

ANDERSON DAM TUNNEL PROJECT**Project No. 91864005****Contract No. C0663**

1. **Notice. Due to the County of Santa Clara Public Health Officer's Order, the Santa Clara Valley Water District offices remain closed to the public until further notice.**

Notice is hereby given that sealed Bids will be received by the Construction Program of the Santa Clara Valley Water District (District), delivered either by a third party carrier such as FED EX, UPS, DHL, Overnight, Golden State Overnight, etc. or by hand delivery, at the District's Winfield Warehouse Building located at 5905 Winfield Boulevard, San Jose, California 95123-2428 only between the hours of 1:00 p.m. to 2:00 p.m. on **Wednesday, March 10, 2021**, for furnishing all material and performing all work necessary for construction of Anderson Dam Tunnel Project, within the Cities of Morgan Hill, California, and San Jose, California, and within Unincorporated Santa Clara County, California.

NO BIDS WILL BE ACCEPTED VIA USPS (US MAIL).

Additional information and Instructions to Bidders are 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.**

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.

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, orders, ordinances, and various agencies permit's terms and conditions, as required to construct the project;
 - Furnish a qualified biologist, certified and licensed arborist, and licensed geologist as required for the project;
 - Compliance with NPDES Construction General Permit, including SWPPP preparation, and installation of Best Management Practices (BMPs);
 - Installation of a temporary soundwall to reduce construction noise to the surrounding businesses and residences;
 - Proper excavation, handling, and placement in the on-site disposal area of naturally occurring asbestos containing materials;
 - 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;
 - 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;
 - Surveying, grade control, and construction staking;
 - The Installation and monitoring of portal and tunnel instrumentation;
 - Establishment of site access roads, staging areas, and disposal areas;
 - Excavation and reinforcement of the downstream tunnel portal;
 - Dredging and preparation of the upstream portal;
 - Excavation and initial support of the 18.5-foot tunnel, 24-foot tunnel, and the micro-tunnel boring machine (MTBM) launch chamber;
 - Driving of the 8-foot MTBM tunnel lake-tap from the launch chamber to Anderson Reservoir;

- Excavation and initial support of the High-Level Outlet Works (HLOW) drop shaft;
- Installation of the final reinforced concrete lining in the MTBM launch chamber and the 24-foot tunnel;
- Installation of steel pipe in the diversion tunnel and HLOW drop shaft;
- Construction of the diversion outlet structure;
- Construction of the upstream trash rack structure below water;
- Installation of steel pipe, displacement couplers, two 132-inch butterfly valves, two 132-inch fixed cone valves, and other mechanical equipment at the diversion outlet structure;
- Installation of electrical components, instrumentation and controls;
- Testing of diversion system;
- Construction of the Coyote Creek channel improvements including the outlet discharge channel, the northern channel, and the reinforced concrete weirs in the northern and southern channels;
- Installation of landscape and landscape maintenance. Landscape maintenance includes maintenance during the landscape installation and maintenance during the one-year establishment period following the landscape installation;
- Provide all the necessary traffic control, traffic control signage, devices, etc. as required for temporary road work, including closures;
- Furnishing and Installation of permanent fencing and gates;
- Utility coordination and installation including, but not limited to raw water line facilities overhead and underground electrical facilities;
- Non-native plant control;
- Revegetation (hydroseeding);
- Other miscellaneous construction work and items necessary to satisfactorily complete the project work.

B. Sole Source Products. None.

4. Basis of Award.

Valley Water Board of Directors adopted Resolution No. 20-70 Approving Best Value Contractor Selection for the Anderson Dam Tunnel Project on August 25, 2020. A

“value” will be established for each bid submitted, determined by evaluation of objective criteria based on price (cost), and qualification (competency, capability, capacity to complete a project of similar size, scope, complexity, recently performed similar projects, references to verify past performance, history of regulatory compliance, bonding capacity, and ability to meet insurance requirements).

The “value” is established by a number, which is calculated by dividing each bidder’s price (P) by its qualification (Q) score. When the calculated individual numbers (for each bid) are arranged in ascending order, from lowest to highest, the lowest number becomes or is ranked as the “Best Value” bid, followed by the next highest number and so on. The formula as detailed in the Prequalification Application, Revision 2, Appendix D Calculating a Bidder’s Best Value Score, will be used to calculate the qualifications score to weigh quality at 40% and price at 60%.

5. **Contract Time.** Time limit for the completion of the Work is **1,050** calendar days. See Contract Documents, Special Provisions, Article 12.03. Contract Time(s) for Milestones and Contract Times.
6. **Liquidated Damages.** See Standard Provisions, Liquidated Damages, Article 5.08 and Special Provisions, Liquidated Damages, Article 12.05 of the Contract Documents for requirements regarding Liquidated Damages.
7. **Estimated Cost.** The estimated cost of the Project is between \$175 million and \$225 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. Supplemental Bid items include development of staging areas and access roads, excavation, grading, soil nail installation, instrumentation installation to remediate two existing landslides located along the southwestern reservoir rim and excavation, grading, reinforced concrete, soil nail installation, and other miscellaneous work to strengthen the existing sloping intake located on the left abutment upstream of Anderson Dam. The Supplemental Bid Items may be deleted entirely or in part, by deductive change order(s), at the sole discretion of the District.
8. **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.

9. **Pre-Bid Conference and Site Visit.** A Pre-Bid conference/site visit will be conducted by the District on **Wednesday, February 17, 2021**. The Pre-Bid conference/site visit will convene at 10:00 a.m. (by District time), at the parking lot at the toe of Anderson Dam at 2499 Cochrane Road, Morgan Hill, CA 95027 (APN 729-48-001). Attendance at the Pre-Bid conference/site visit by subcontractors is not required.

Attendance by the Bidder at the Pre-Bid conference/site visit is:

- ☐ Mandatory
☒ Optional

The objective of the Pre-Bid conference/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 conference/site visit 24 hours in advance by sending an email to scvwdplanroom@valleywater.org.

Additional information regarding the Pre-Bid conference/site showing will be sent to all prospective Bidders who confirm their intention to attend.

In response to the COVID-19 pandemic, the District will require that all participants adhere to the orders of Social Distancing. All persons attending the Pre-Bid conference/site visit are required to adhere to the orders of Social Distancing and are also required to bring and wear the appropriate Personal Protection Equipment (PPE), i.e., protective face covering, in order to be allowed entrance onto the site and to remain on the site.

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

10. **Availability of Bid Documents**

Due to the County of Santa Clara Public Health Officer's Order, District offices will remain closed to the public until further notice.

The Project Plans and Specifications are considered by the Federal Energy Regulatory Commission as including highly sensitive, confidential information pertaining to critical infrastructure. Therefore, all prequalified Contractors must complete and execute the Non-Disclosure Agreement (NDA) before access to the Contract Documents will be provided. Contractors must also require any party to whom they provide access to the Contract Documents (such as subcontractors in all tiers and suppliers) to first complete and execute a Personal Non-Disclosure Agreement (PNDA) and provide Valley Water with a copy of the signed Agreement.

A copy of the NDA / PNDA form can be obtained at the Valley Water website: <https://www.valleywater.org/construction>. The completed form must be submitted by email at scvwdplanroom@valleywater.org.

The Contract Documents are only available in electronic (PDF) format. The electronic version is free and will be transferred via file transfer appliance (FTA) site.

- 11. 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, paragraph #7. Questions During Bidding. Written questions must be directed to the Contracts Administrator at scvwdplanroom@valleywater.org 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 Mr. Bal Ganjoo.
- B. Process Questions.** For questions regarding the bid process, please contact the District Plan Room by email at scvwdplanroom@valleywater.org.

12. 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 are 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 Apprentices Article 4.06. for related requirements.

Due to the County of Santa Clara Public Health Officer's Order, District offices will remain closed to the public until further notice. The wage rates are therefore not currently available for review at District offices.

- 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.

- 13. Bid Proposal Submittal.** All Bids must be submitted in sealed envelopes addressed to the Santa Clara Valley Water District. Attention: Construction Programs 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. Bid Submittal Delivery.** Bidders are allowed to submit a bid proposal by third party carrier or by hand delivery.

THIRD PARTY CARRIER such as: FEDEX, UPS, DHL, CA Overnight, Golden State Overnight, etc., and must address the submittal in accordance with instructions stated in this paragraph 12. Any Proposal received after 2 p.m. will not be considered. Late Bids will be returned unopened.

HAND DELIVERY shall only be between the hours of 1:00 p.m. - 2:00 pm. on the bid due date, at the Winfield Warehouse located at 5905 Winfield Boulevard, San Jose, CA 95123. Upon entrance to the gate, turn left towards the warehouse building. Bid submittal shall be delivered at a drop off box, marked "Bid/Submittal Drop Box," located in front of the warehouse entrance door. Bidder's must take a picture using its cellphone showing the "Official Bid Clock" timer as proof of delivery. Bidders must observe all Public Health Officers orders and wear proper face covering when dropping off your Bid.

Any Proposal received after 2 p.m. will not be considered. Late Bids will be returned unopened.

NO BIDS WILL BE ACCEPTED VIA USPS (US MAIL). USPS (US Mail) does not deliver to 5905 Winfield Boulevard.

Address the outside delivery envelope as follows:
Santa Clara Valley Water District
Attention: Construction Contracts & Support Unit
C0663 – Anderson Dam Tunnel Project
Project No. 91864005
5905 Winfield Boulevard
San Jose, CA 95123-2428

- 14. Bid Opening.** For the duration of the COVID-19 pandemic, to ensure the safety of the public and District employees and requisite social distancing requirements by Order of the County of Santa Clara Public Health Officer, 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, paragraph #1. Notice, above, at **2:30 p.m.** The results will be posted on the District'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/91012345678>

15. **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).
16. **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 and supplemental Bid items, if any. Said checks or bond must be made payable to the Santa Clara Valley Water District.
17. **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.
18. **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.
19. **Small Business Preference. [NOT USED].**
20. **Rights of Way.** It is anticipated that easement acquisition from the County of Santa Clara to construct the Coyote Creek modifications portion of the Project will be finalized before April 2021. The construction contract will not be awarded by Valley Water until all required Rights of Way are secured.
21. **Permits.** It is anticipated that all permits necessary for construction of the Project will be finalized before April 2021. The construction contract will not be awarded by Valley Water until all required Permits are obtained.
22. **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,
on Tuesday, January 26, 2021.

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors