

**LOWER CALERA CREEK FLOOD PROTECTION PROJECT****Project No. 40174005****Contract No. C0666-1**

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, May 5, 2021**, for furnishing all material and performing all work necessary for construction of **Lower Calera Creek Flood Protection Project**.

**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:

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 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:

1. Compliance with NPDES General Permit, including Storm Water Pollution Prevention Plan preparation, installation, and monitoring of BMP's;

2. Compliance with the Project regulatory permits including the Lake or Streambed Alteration Agreement (CDFW), the Waste Discharge Requirements (SFBRWQCB), US Army Corps of Engineers permits, the State Water Resources (NPDES General Permit), and local and municipal permits;
3. Construction site reviews and site conditions monitoring;
4. Develop Contractor's quality control program and implement quality control for the Project;
5. Development of a Site-Specific Work Plan for Santa Clara Valley Transportation Authority (VTA) / Bay Area Rapid Transit (BART) and adherence to the approved permit conditions;
6. Conduct noise and vibration monitoring generated from construction activities;
7. Develop a traffic control and, upon approval by the City of Milpitas, implement traffic control for the Project;
8. Clearing and grubbing within the Project limits including removal of trees, and other site vegetation (including existing wetland and riparian species);
9. Demolition of existing driveway access, sidewalk, curb & gutter, sacked concrete, channel concrete lining, concrete floodwalls, concrete foundations, rock riprap protection, utility lines, chain link fence, and other miscellaneous items shown on the Drawings;
10. Design and implement control of water; including proper diversion of upstream drainage and channel flows, diversion of downstream tidal flows, maintaining a dry foundation excavation, and proper handling and disposal of groundwater flows that are required during construction;
11. Design and install a shoring or lateral restraint system for the existing north concrete U-frame wall and other locations shown in the Drawings;
12. Excavation, testing, and disposal of surplus levee and channel materials;
13. Levee construction, including excavation, raising, testing, and placement of materials;
14. Installation of asphalt concrete surface trails, aggregate base maintenance roads and maintenance access, resurfacing of existing aggregate base maintenance roads;
15. Installation of rock riprap slope protection at bridge transitions, and storm drain outfalls;
16. Replacement of existing sidewalk, driveway, curb and gutter in accordance with the City of Milpitas standard details;
17. Construct cast-in-place reinforced concrete retaining walls at maintenance road ramps;
18. Construct cast-in-place reinforced concrete U-frame walls and floodwalls;

19. Install surface texturing to concrete floodwalls and headwalls with decorative patterns as shown on the Drawings;
20. Construct new headwalls at the VTA/BART railroad, North Milpitas Boulevard, and Arizona Avenue bridge locations;
21. Perform potholing as shown on the Drawings for protection of existing utilities within and immediately adjacent to the Project limits;
22. Install storm drain pipes, catch basins, outfall, check valves, flap gates and modify existing storm drain outfalls to conform to the new floodwalls and earthen slopes;
23. Install chain link fence and maintenance road gates;
24. Furnish and install a new flood gate;
25. Furnish and install hydroseed and erosion control blanket as shown on the Drawings;
26. Relocation of the existing Comcast communication cables at North Milpitas Boulevard to a below ground facility as shown on the Drawings;
27. Protect existing residential fences during construction of and associated elements of the floodwalls and levees included in the Drawings;
28. Install wetland and landscape plantings, followed by implementation of the three-year plant establishment maintenance period;
29. Perform other miscellaneous construction work and items necessary to complete the work included in the Drawings and Specifications.

**B. Milestone Completion**

1. Milestone 1: Complete all civil, special structures, planting and all work within the new channel (property line to property line) shown in the Drawings and provided in the Specifications by December 31, 2022.
2. Milestone 2: Complete the three-year planting establishment and maintenance period set forth in Section 32 of the Specifications.
3. The Contractor shall complete Milestone 1 before the expiration of 580 Days from the first chargeable Day of the Contract.
4. The Contractor shall complete Milestone 2 before the expiration of 1,680 Days from the first chargeable Day of the Contract (Project Completion).

**C. Sole Source Products. None**

4. **Contract Time.** Time limit for the completion of the Work is **1,680** calendar days. See Contract Documents, Special Provisions, Article 12.03. Contract Time(s) for Milestones and Contract Times.
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 \$18.9 million and \$24.2 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 current Class A and - C-27 Contractor's license issued by the California Department of Consumer affairs, Contractor's State License Board when the Bid is submitted.

A Bidder may fulfill these license requirements either by itself or in conjunction with licenses held by subcontractors of any tier. A combination of prime contractor and subcontractor licenses is acceptable only when each such subcontractor's scope of work is identified in Bid Form #2 regardless of the subcontractor's tier or subcontract amount.

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.

8. **Pre-Bid Conference and Site Visit.** A pre bid conference/site visit will be conducted by the District on **Wednesday, April 14, 2021**. The conference will convene at 10:00 a.m. (Pacific Standard Time), at northwest corner of North Milpitas Blvd and Hanson Court in Milpitas, CA 95035. Attendance at the Pre-Bid conference and site showing 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 registering at the Construction Administration webpage, <https://www.valleywater.org/construction>, **RSVP for Pre-Bid Meeting**.

Additional information regarding the Pre-Bid conference/site visit 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 by email at [scvwdplanroom@valleywater.org](mailto:scvwdplanroom@valleywater.org).

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

To request for electronic Plans, Specification and Contract Documents:

- A. Complete "Request for Plans and Specs Form" which can be found at the District's Website: <https://www.valleywater.org/construction>

Please allow up to four business hours to receive your requested documents. Submitting incomplete contact information may result in delays.

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, paragraph #7. Questions During Bidding. Written questions must be directed to the Contracts Administrator at [scvwdplanroom@valleywater.org](mailto: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 Javier Valencia.
- B. **Process Questions.** For questions regarding the bid process, please contact the District Plan Room by email at [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 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

- 12. 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 can be typewritten or electronically filled, however, the signature block must be originally signed in ink.

**BID SUBMITTAL DELIVERY.** Bidders are allowed to submit a bid proposal by third party carrier or by hand delivery.

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

Address the outside delivery envelope as follows:

Santa Clara Valley Water District  
Attention: Ken Wong, Construction Contracts & Support Unit  
**C0666-1 – Lower Calera Flood Protection Project**  
**Project No. 40174005**  
5905 Winfield Boulevard  
San Jose, CA 95123 2428

- 13. 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/u/aeKffBkBma>

- 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 and supplemental Bid items, if any. 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.** Not Used.
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.

By order of the Board of Directors of the Santa Clara Valley Water District, San Jose, California, on Tuesday, April 6, 2021.

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors