

NOTICE INVITING BIDS

In addition to the information contained in this Notice Inviting Bids section, more detailed information is provided in the Instructions for Bidders section, which should be carefully reviewed by all bidders before submitting a Bid Proposal.

1. Bid Information.

The City of Livermore (“**City**”) will accept sealed bids for its 2023 Storm Damage Repair Project (LOP 5, 13, & 14), City Project No. S202300A & S202300P, FEMA DR 4683 (“**Project**”), which shall be date and time stamped by the City Clerk’s time clock by or before July 9, 2024, at 2:30 p.m., at:

City Clerk’s Office
Second Floor of City Hall
1052 South Livermore Avenue
Livermore, CA 94550

at which time the bids will be publicly opened and read aloud. City reserves the right to reject any and all bids and to waive any non-substantive irregularities.

2. Bidders’ Conference.

A bidders’ conference will be held on June 24, 2024 at 10:00 AM at the following location: intersection between Creek Road and Forest Lane for the purpose of acquainting all prospective bidders with the Contract Documents and the Worksite. The bidders’ conference is not mandatory.

3. Project Information.

3.1. Location and Description.

The Project is located at three various locations per the 2024 Stream Maintenance Program including Airway Blvd. near the 580 interchange, Arroyo Mocho Trail near Anza Way, and Arroyo Mocho Trail near Creek Road, and is described as follows: sediment and debris removal at Airway Blvd. culvert at Arroyo Las Positas (LOP 5), restore exposed storm drain at Arroyo Mocho Trail at Anza Way (LOP 13), and bank stabilization at Arroyo Mocho Trail at Creek Drive (LOP 14).

3.2. Time for Completion.

The planned timeframe for Substantial Completion of construction of the Project is 30 Working Days after the commencement date stated in the Notice to Proceed. Final Completion of the Project is planned to be 10 Working Days after the date of Substantial Completion. It is critically important to this Project that all work within the creek areas are completed prior to October 15, 2024.

4. Construction Cost.

The Engineer's estimated construction cost is: \$775,000.

5. License and Registration Requirements.

5.1. License.

At the time of bid opening and for the duration of the Project, Contractor shall possess a valid California contractor's license for the following classification(s): Class A (General Engineering). See also, Instructions for Bidders, Section 4, Licenses and DIR Registration. A bid submitted by a bidder that does not possess any of these licenses at bid opening may render the bid non-responsive, barring award of the Contract to that bidder.

5.2. DIR Registration.

City will not accept a Bid Proposal from or enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.

6. Contract Documents.

6.1. Available at City.

All Contract Documents are available at <https://www.bidnetdirect.com> free of charge, and can also be accessed from the City's website at:

<https://www.livermoreca.gov/departments/community-development/engineering/projects-out-for-bid>.

Contractor must register, at no cost, as a prospective bidder. Bidnet Direct notifies all listed entities on the Prospective Bidders list regarding addendums and other posted information during the bid period. It is the responsibility of each prospective bidder to check the Bidnet Direct website listed above on a daily basis through the close of bids for any applicable addenda or updates and print all bid documents for review and to verify the completeness of Bid Documents before submitting a bid.

Alternatively, a full set of Contract Documents, including the final plans and specifications for the Work, are available for inspection without charge, or purchase at \$125 per set, at the City Engineering office at 1052 South Livermore Avenue, Livermore, CA 94550. No refund will be made of any charges for sets of Contract Documents.

7. Mailing.

At the Bidder's request, and up until seven calendar days before the date set for opening Bids, the City will mail complete sets of the Contract Documents to the Bidder at a total cost of \$150 for each set requested. The charge covers printing, handling, and mailing costs. No refund will be made of any charges for sets of Contract Documents.

8. Bid Clarifications.

Questions regarding the Project, the bid procedures, or the meaning or intent of the Contract Documents must be submitted in writing to the Engineer at:

Leo Sum, Assistant Civil Engineer
Community Development Department, Engineering Division
City of Livermore
1052 S. Livermore Ave
Livermore, CA 94550
Email: lysum@livermoreca.gov

Pamela Lung, Special Projects Coordinator
Community Development Department, Engineering Division
City of Livermore
1052 S. Livermore Ave
Livermore, CA 94550
Email: pglung@livermoreca.gov

Any responses deemed necessary by the Engineer will be provided in a written addendum to be posted on <https://www.bidnetdirect.com> and the City's website at <https://www.livermoreca.gov/departments/community-development/engineering/projects-out-for-bid>. Questions received less than seven days before the deadline for bid submission might not be answered. Only a written response issued in an addendum will become part of the Contract Documents. Oral responses will have no legal effect. Subject to the limitations of Public Contract Code, Section 4104.5, City reserves the right to issue addenda before the time of the bid opening.

9. Bid Proposal and Security.

9.1. Bid Proposal Form.

Each bid must be submitted using the Bid Proposal form contained as a part of the Contract Documents.

9.2. Bid Security.

Each Bid Proposal must be accompanied by bid security of ten percent of the maximum bid amount, in the form of a cashier's or certified check made payable to City, or a bid bond executed by a surety licensed to do business in the State of California on the Bid Bond form included in the Contract Documents. The bid security must guarantee that

within ten days after City issues the Apparent Low Bidder Notice ("**ALB Notice**"), the bidder must execute the Contract and submit payment and performance bonds, warranty bonds, insurance certificates and endorsements, as required by the Contract Documents.

10. Prevailing Wage Requirements.

10.1. General.

This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. The Contract will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations, under Labor Code, Section 1771.4.

10.2. Rates.

The prevailing rates are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified rates to all workers employed to work on the Project. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half.

9.3 Federal.

If the Project is a federally-funded project, the prevailing wage rates determined by the Secretary of Labor are included in the Contract Documents. If there is a difference between state and federal wage rates, the Contractor and any Subcontractor must pay the higher of the two.

11. Performance, Payment, and Warranty Bonds.

The successful bidder will be required to provide performance and payment bonds each in the amount of 100% of the Contract Price and a Warranty Bond in the amount of 15% of the Contract Price.

12. Substitution of Securities.

Substitution of appropriate securities in lieu of retention amounts from Progress Payments is permitted under Public Contract Code, Section 22300 which requires use of the escrow agreement language provided at subsection (f) of Public Contract Code Section 22300, which is the Escrow Form included in the Appendix portion of the Contract documents.

13. Subcontractor List.

Each bidder must submit the name, location of the place of business, California contractor license number, and California Department of Industrial Relations registration number of each First Tier Subcontractor who will perform work or service or fabricate or install work for the prime contractor ("**Subcontractor Services**") in excess of one-half of 1% of the

bid price, using the Subcontractor List form included with the Contract Documents. The same requirement applies to each First Tier Subcontractor who will perform Subcontractor Services in excess of either one-half of one percent of the bid price or \$10,000 for the construction of streets, highways or bridges.

13. Disadvantaged Business Enterprises

Projects financed in whole or in part by Federal funds are subject to Title 49 of the Code of Federal Regulations, Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." Certified Disadvantaged Business Enterprises, Minority Owned Business Enterprises, and Women Owned Business Enterprises are strongly encouraged to apply. The contractor shall make good faith efforts when procuring services. The Average Annual Disadvantaged Business Enterprise Participation Level (DBE Goal) for Federal Fiscal Year 2024 is 12.0 percent. This percentage may change in the future; the contractor will be required to adhere to any new Federal requirements.

Contractor is required to submit proof of Good Faith Effort (GFE) which include, but not limited to, DBE solicitation documents and/or forms, phone logs, and email. Contractor shall comply with Exhibit A - "Special Provision – FEMA Federal Provisions", Section XVIII "MBE/WBE Requirements" and submit "Exhibit B, DBE Subcontractor Utilization Form" **with the bid.** If Contractor does not meet MBE/WBE goal, Contractor must submit GFE with the bid. If GFE documentation is not submitted with the bid, it must be submitted by 4 pm on the 4th business day after bid opening. The submittal must include the name of the contractor, the project name and other relevant information.

By:  Date: 10/15/24
Acting City Clerk

Publication Dates: 1) June 11, 2024

2) June 18, 2024

END OF NOTICE INVITING BID