

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
NOTICE TO BIDDERS**

Sealed proposals will be received at the office of the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, California 93408 until 3:00 P.M. on Monday, Nov. 8th, 20¹⁰, which bids will then be opened and declared at 3:15 o'clock P.M. on the above mentioned date at a public meeting at 1055 Monterey Street, Room D-120, by the County Clerk, for the following Public Works Project:

**WILLOW ROAD EXTENSION PHASE 2 &
US HIGHWAY 101 INTERCHANGE PROJECT
NIPOMO, CA
CONTRACT NO. 300129 / 300142
FEDERAL PROJECT NO. FHWA Q101(189)**

Any bid received at the Office of the Clerk of the Board of Supervisors of the County of San Luis Obispo after 3:00 P.M. on the date specified above shall not be considered, and shall be returned to the bidder unopened.

NON-MANDATORY PRE-BID MEETING: Two non-mandatory pre-bid meetings will be held on Thursday, October 21, 2010 at 10:00 a.m. and Thursday, November 4, 2010 at 10 a.m. at the following location:

The intersection of
Hetrick Road and Willow Road Extension
Nipomo, CA 93444

The pre-bid meetings will include a brief discussion of construction issues and contract requirements and a tour of the project site. The pre-bid meetings are for the Bidder's information only and are non-mandatory. For additional information regarding the meetings, please contact Dale Ramey at (805) 781-5252

THIS PROJECT IS SUBJECT TO THE "BUY AMERICA" PROVISIONS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AS AMENDED BY THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991.

The UDBE Contract goal is 7.1 percent.

Bids are required for the entire work described herein.

The award of the contract, if it be awarded, will be made within 45 calendar days after the opening of proposals, and bidder agrees to be bound by its bid, including all of its bid prices, for the entire 45 day period. The award of the contract, if it be awarded, will be to the responsible bidder with the lowest responsive bid price on the Base Bid plus Additive Bid Item 1, provided that the sum of the Base Bid and Additive Bid Item 1 is less than, or equal to, the funding amount of \$18,000,000 (18 Million Dollars). If the lowest responsive bid price on the Base Bid plus Additive Bid Item 1 is not less than, or equal to, \$18,000,000

(18 Million Dollars), the award of the contract, if it be awarded, will be to the responsible bidder with the lowest responsive bid price on the Base Bid that is less than, or equal to, \$18,000,000 (18 Million Dollars). If the contract is so awarded to the bidder with the lowest Base Bid, the County shall have the option of adding Additive Bid Item 1 after the lowest responsible bidder has been determined, and the bidder is bound by its bid amount for said additive item. Under any scenario, the County has the option of adding the Additive Bid Item 2 after the lowest responsible bidder has been determined, and the bidder is bound by its bid amount for said additive item.

A bound copy of a reduced size set of the Project Plans, the Agreement, the General and Special Provisions, and blank forms suitable for use in bidding on said work may be obtained from the Department of Public Works, Room 207, County Government Center, San Luis Obispo, CA 93408 and may be purchased therefrom for (\$71.20) seventy one dollars and twenty cents, (tax included), per bound copy, said purchase cost not to be refunded. No bid will be considered which is not in accordance with or on the forms herein referred to. **A full size set of the Project Plans, and cross sections if any, are charged separately at the department's current rates and will be provided only upon.**

Federal funds are being used on this project, and therefore, the Davis-Bacon Act (40 USC 276a to 276a-7) as supplemented in the Department of Labor regulations (29 CFR Part 5) applies. The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are set forth in the Special Provisions. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the prevailing wage rates determined to be applicable to this contract by the Director of the California Department of Industrial Relations for similar classifications of labor, the Contractor and subcontractors shall pay not less than the higher wage rate.

Pursuant to the provisions of Section 1773 of the California Labor Code, the Board of Supervisors of the County of San Luis Obispo has obtained from the Director of the California Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work for the locality in which the work is to be performed for each needed craft, classification, or type of workman. Copies of said prevailing rate of per diem wages are on file in the Office of the Clerk of the Board of Supervisors and available at the California Department of Industrial Relations' web site address at: www.dir.ca.gov/DLSR/PWD.

Bidders are advised that any contractor who is awarded a public works project and intends to use a craft or classification not shown on the general prevailing wage determination may be required to pay the wage rate of that craft or classification most closely related to it as shown in the general determinations effective at the time of the call for bids.

Travel and subsistence payments shall be in accordance with Section 1773.1 of the Labor Code. Wage rates for holiday and overtime work shall be in accordance with Section 1773 of the Labor Code. Attention is directed to the provisions in Sections 1777.5, 1777.6 and 1777.7 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor. Attention is directed to the provisions in Section 1776 of the Labor Code concerning payroll records.

Attention is directed to the provisions in Sections 1810 – 1815 of the Labor Code concerning work hours.

The bidder's attention is directed to the provisions of Section 2-1.02, "Required Listing of Proposed Subcontractors," of the Special Provisions regarding the requirement that proposed subcontractors be listed in the bidder's proposal. A "DESIGNATION OF SUBCONTRACTORS" forms for listing subcontractors, as required, is included in the section titled "Bid Proposal and Forms" of the Contract Documents. **The bidder shall complete and submit three "DESIGNATION OF SUBCONTRACTORS" forms with bidder's bid proposal in order to be considered responsive, one form for each of the following: Base Bid, Additive Bid Item 1, and Additive Bid Item 2.**

The bidder's attention is directed to the provisions of Section 2-1.04A, "UDBE Commitment Submittal," of the Special Provisions regarding the requirement that bidders submit the "UDBE COMMITMENT" forms, included in the section titled "Bid Proposal and Forms" of the Contract Documents. This form must be completed and submitted with bidder's bid proposal. **The bidder shall submit a "UDBE COMMITMENT" form for each of the following scenarios with bidder's bid proposal in order to be considered responsive:**

Base Bid

Base Bid plus Additive Item 1

Base Bid plus Additive Item 2

Base Bid plus Additive Items 1 and 2

The bidder's attention is directed to the provisions of Section 2-1.04B, "UDBE Good Faith Effort Submittal," of the Special Provisions regarding the requirement that bidder's submit the "UDBE INFORMATION - GOOD FAITH EFFORTS" form, included in the section titled "Bid Proposal and Forms" of the Contract Documents.

All bonds and endorsements thereto to be submitted pursuant to this contract shall be written by a company authorized to do surety business in the State of California with a minimum of a "B" rating and of adequate financial category as rated by the current edition of Best's Key Rating Guide as published by A.M. Best Company, Inc., Oldwick, New Jersey 08858.

Each bid must be accompanied by a form of bidder's security, namely cash, certified check, cashier's check, or bidder's bond, in the amount of ten percent (10%) of the total of the base bid.

All addenda issued before the time in which to submit bids expires shall form a part of the Contract Documents and shall be covered in the bid. Bidders shall acknowledge and confirm receipt of each and every addendum in their bid proposal.

Within ten (10) calendar days, not including Saturdays, Sundays, and legal holidays, after receipt of notice that the contract has been awarded, the successful bidder, shall execute a written contract with the County in the form prescribed herein.

At the time of execution of the contract, the successful bidder shall submit the certificates of insurance stipulated in Article 7 of the Agreement, and, in addition thereto, shall furnish a

“Performance” Bond in the sum of one hundred percent (100%) of the contract base bid plus the additive bid items, if added by the County, and a “Payment Bond” in the sum of one hundred percent (100%) of the contract base bid plus the additive bid items, if added by the County. The bond forms are included in the section titled “Agreement” of the Contract Documents.

At the time of execution of the contract, the successful bidder shall submit the “DBE INFORMATION” form, included in the section titled “Agreement” of the Contract Documents.

In accordance with San Luis Obispo County Code, Title 8, Health and Sanitation, Chapter 8.12, “Solid Waste Management,” a project “Recycling Plan” and “Disposal Report” are required for this contract. The bidder’s attention is directed to Sections 4-1.03, “Submittals,” and 5-1.24, “Solid Waste Management,” of the Special Provisions.

Attention is directed to the provisions of Section 5-1.07, “Measurement and Payment,” of the Special Provisions permitting the substitution of equivalent securities for any moneys withheld to ensure performance of this contract. Said Section 5-1.07 is incorporated by reference in this invitation for bid as if fully set forth at length.

The Board of Supervisors reserves the right to reject any or all bids, and to waive discrepancies, irregularities, informalities or any other errors in the bids or bidding, if to do so seems to best serve the public interest. The right of the Board of Supervisors to waive errors applies even if the Contract Documents state that a discrepancy, irregularity, informality or other error makes a bid nonresponsive, so long as the error does not constitute a material error.

The successful bidder must be licensed to perform the work in accordance with the laws of the State of California. Accordingly, the successful bidder shall possess a Class A general engineering contractor’s license at the time this contract is awarded. In the alternative, the successful bidder shall possess a specialty contractor’s license that permits the successful bidder to perform with his or her own organization contract work amounting to not less than 30% of the original total contract price and to subcontract the remaining work in accordance with Section 5-1.055, “Subcontracting,” of the Amendments to the Standard Specifications. Failure of the bidder to be properly and adequately licensed shall constitute a failure to execute the contract and shall result in the forfeiture of the bidder’s security.

BID PROTESTS

Any bid protest must be submitted in writing to the Department of Public Works, Room 207, County Government Center, 976 Osos Street, San Luis Obispo, CA 93408; Attention: Design Engineer before 5 p.m. of the 7th business day following bid opening.

The initial protest document shall contain a complete statement of the basis for the protest and all evidence and documents supporting the protest available to the protesting party. The protest shall refer to the specific portion of the document which forms the basis for the protest. The protest shall include the name, address and telephone number of the person representing the protesting party. The party filing the protest shall concurrently transmit a copy of the initial protest document and any attached documentation to all other parties

with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest. The County Board of Supervisors will issue a decision on the protest.

The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest and failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including filing a Government Code Claim or legal proceedings.

SPECIAL INSTRUCTIONS TO BIDDERS: All bidder Requests for Information must be submitted no later than 3 days prior to the bid opening date. Requests submitted after said date may not be considered. Bidders should submit Requests for Information to the County during the bid period at the following website:

http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

Attention is directed to Section 4-1.03, "Submittals," of the Special Provisions regarding the time period to submit the listed items upon receipt of the fully executed contract.

Bidders must satisfy themselves by personal examination of the location of the proposed work and by such other means as they prefer as to the actual conditions and requirements of the work, and shall not at any time after submission of the bid dispute, complain, or assert that there was any misunderstanding in regard to the nature or amount of work to be done.

By order of the Board of Supervisors of the County of San Luis Obispo made this _____ day of _____, 20__.

County Clerk and Ex-officio Clerk
of the Board of Supervisors

By _____
Deputy Clerk