

SECTION 00100

INSTRUCTIONS TO BIDDERS

1.0 GENERAL

The work to be performed is described in the Contract Documents titled, **CWO 11-137, Granite Way Well Site Improvements Project Re-Bid**. Codes and standards, definitions of words and terms, and abbreviations shall be as specified in Section 01090, **References**.

All bidders shall carefully examine the Contract Documents and satisfy themselves as to their sufficiency; and shall not at any time after the submission of the bid dispute or complain of such Contract Documents and the directions explaining them or interpreting them, nor assert that there is any misunderstanding in regard to the location, extent, nature of amount of work to be performed. The bidder shall notify the Owner of any discovered conflicts, errors of discrepancies in the Contract Documents prior to the submission of its bid. Intended bidders shall have visited the site of the work and familiarized themselves with the conditions there existing as well as all other conditions relating the construction and labor under which the work will be performed and affecting cost, progress or performance of the work. The submitting of a bid shall be considered an acknowledgement on the part of the Bidder of its familiarity with conditions at the site of work.

In addition, pursuant to Public Contract Code Section 2204, each bidder submitting a bid in which the Total Amount set forth on its Bid Schedule is \$1,000,000 or more must also submit with its bid the **IRAN CONTRACTING ACT CERTIFICATION**, in the form included as Section 00400, and, except as specified in Paragraph 00100-7.0, the failure to submit the **IRAN CONTRACTING ACT CERTIFICATION** may render the bid non-responsive. Public Contract Code section 2205 establishes penalties for false certifications, including civil penalties equal to the greater of \$250,000 or twice the amount of the contract for which the false certification was made, contract termination, and three-year ineligibility to bid on contracts.

Bids for the work shall be made on the forms contained in the following sections and shall include the following completed documents:

<u>SECTION</u>	<u>TITLE</u>
00300	BID FORM
00310	BID SCHEDULE
00400	IRAN CONTRACTING ACT CERTIFICATION (If Applicable)
00410	BIDDER'S BOND
00420	CERTIFICATION OF BIDDER'S EXPERIENCE AND QUALIFICATIONS
00430	DESIGNATION OF SUBCONTRACTORS
00440	PROJECT SITE VISIT AFFIDAVIT
00450	Not Used
00458	CERTIFICATION OF DRUG-FREE WORKPLACE REQUIREMENTS
00480	NONCOLLUSION AFFIDAVIT
00490	AFFIDAVIT OF SAFETY COMPLIANCE

A complete set of bid forms shall be placed in an envelope, sealed, and addressed to:

**Soquel Creek Water District
5180 Soquel Dr., Soquel CA 95073
BID: CWO 11-137, Granite Way Well Site Improvements Project Re-Bid**

A pre-bid conference will be held at the time and place stipulated in Section 00010, **NOTICE INVITING BIDS**. The conference will be conducted by the District. Subcontractors and other interested parties are invited and encouraged to attend. A tour of the site of the Work will be conducted if so requested by any of the persons attending the conference.

The Owner reserves the right to postpone the date and time for receiving and/or opening of bids at any time prior to the date and time established in the Notice Inviting Bids in accordance with applicable law. Postponement notices may be faxed or emailed and will subsequently be mailed to plan holders of record in the form of addenda.

Addenda may be issued to all known plan holders during the Bid period. Any and all addenda issued shall become a part of the Contract Documents, shall be acknowledged on the Bid form, and shall be fully considered by all bidders during preparation of bids.

Bids shall be made on the blank bid forms prepared by the Owner and issued separately from this project manual. Bid forms included in this project manual shall be used for reference only. Bids shall give the prices proposed in figures and words, shall give all other information requested herein, and shall be signed by the bidder or an authorized representative, including address. By submission of a proposal on the separate forms provided by the Owner, the bidder attests that the bidder has obtained a complete set of the Contract Documents and is aware of its entire contents, including any addenda. Bidder is required to provide a complete bid on all schedules listed in Section 00310, **BID SCHEDULE**.

Bids shall be delivered to the Owner at the above address before the time set for the opening of bids as provided in Section 00010, **NOTICE INVITING BIDS**.

After the expiration of the time for submission of bids, all bids will be publicly opened, read, declared, and referred to the District Board for action.

2.0 BID PRICES

Bid prices shall include everything necessary for the completion of construction and fulfillment of the contract. Bid prices shall include all federal, state and local taxes including sales and use taxes. Costs for developing, submitting, and presenting bids are the sole responsibility of the bidder and claims for reimbursement will not be accepted by the Owner.

If the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern, and the correct product of the unit price and the estimate quantity shall be deemed to be the amount bid. If the sum of two or more items in a bidding schedule does not equal the total amounts quoted, the individual item amounts shall govern and the correct total shall be deemed to be the amount of the bid.

3.0 BIDDER'S EXPERIENCE AND QUALIFICATIONS

All Bidders must complete and submit with their Bid Section 00460, **CERTIFICATION OF BIDDER'S EXPERIENCE AND QUALIFICATIONS**. The listed Specialty Subcontractor must complete and submit with the Bid Section 00420A, **CERTIFICATION OF BIDDER'S**

SPECIALTY SUBCONTRACTOR'S EXPERIENCE AND QUALIFICATIONS. Failure to provide this information with the Bid may render the Bid non-responsive and may be the basis for rejection of the Bid and/or may result in a determination that the Bidder and/or listed Specialty Subcontractor is not a responsible Bidder for the Project. The information furnished will be reviewed to determine if the Bidder is qualified and responsible to be awarded the Contract.

4.0 BID IRREGULARITIES

Each bid and the information requested shall be enclosed in a sealed envelope and labeled as specified herein. Bidders are warned against making erasures or alterations of any kind, and bids which contain omissions, erasures, or irregularities of any kind may be rejected. No oral, telegraphic, facsimile, or telephonic bids or modifications will be considered. District may waive minor irregularities in its sole discretion.

5.0 MODIFICATION OF BID

Modification of a bid already received will be considered only if the modification is received prior to the time established for receiving bids. Modifications shall be made in writing, executed, and submitted in the same form and manner as the original bid.

6.0 SUBCONTRACTORS AND MAJOR SUPPLIERS

In accordance with California Public Contracting Code Section 4100, et. seq., each bid shall have listed in Section 00430, **DESIGNATION OF SUBCONTRACTORS**, the name, type or trade, portion of work to be performed, and location of the place of business of each subcontractor who will perform work or labor or render service to the bidder in or about the construction of the work or improvement, or of any subcontractor licensed by the State of California who, under subcontract to the bidder, will specifically fabricate and install a portion of the work or improvement according to detailed drawings contained in the Contract Documents, in an amount in excess of one-half of one percent of the bidder's total bid or \$10,000, whichever is greater.

If the Contractor fails to designate in its proposal a subcontractor for any portion of the work as required above, the bidder shall be deemed to have agreed to perform such portion of the work itself and shall not be permitted to subcontract that portion of the work without the written permission of the Owner in accordance with applicable law.

In accordance with California Labor Code 1771 and 1725.5, all listed subcontractors must be registered with the Department of Industrial Relations. 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 specified in subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.
3. The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code.

Failure by a subcontractor to be registered to perform public work as required by Labor Code 1771.1, subdivision (a) shall be grounds under Section 4107 of the Public Contract Code for the contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.

7.0 BID GUARANTY BOND AND CONTRACT AWARD

Bids shall be accompanied by a bidder's bond executed by an admitted surety in an amount not less than ten (10) percent of the aggregate of the Bid Price, payable to the order of the Owner. The bond shall be a guarantee that the successful bidder, if awarded the work, will within fourteen (14) days after notice of its award to the successful bidder: (1) enter into a contract, (2) furnish a bond of faithful performance and a payment bond issued by a California admitted surety, (3) furnish insurance policies and endorsements and (4) prior to issuance of the final project payment the successful bidder must submit a warranty or maintenance bond. In case of refusal or failure to enter into the Contract, the bid guaranty bond shall be forfeited to the Owner, the proceeds therefrom being hereby agreed upon as liquidated damages to the Owner on account of the delay in the execution of the Contract and required bonds and the performance of the work thereunder, and the necessity of accepting a higher or less desirable bid resulting from such failure or refusal to execute the Contract and the bonds as required.

If Owner awards a contract, Award of the Contract will be made to the lowest responsive, responsible bidder complying with these instructions, the Section 00010, **NOTICE INVITING BIDS**, and such other pertinent provisions of the Contract Documents as may apply WITHIN THE TIME PERIOD SPECIFIED IN Section 00010, **NOTICE INVITING BIDS**. If award is made, it will be based on the lowest responsive, responsible bid whose base bid as listed in Section 00300, **BID FORM**, yields the lowest total Contract Price. The Owner, however, reserves the right to reject any or all bids, and to waive any informality in bids received.

8.0 CONTRACTOR'S LICENSE

Each bidder shall be licensed in accordance with the provisions of the Contractors License Law of California as stipulated in Section 00010, **NOTICE INVITING BIDS**.

9.0 LOCAL BUSINESS LICENSE

NOT REQUIRED.

10.0 WORK PERCENTAGES

The Contractor shall perform with its own organization no less than the work percentage specified in Section 01010-7.0, **WORK PERCENTAGES**.

11.0 COLLUSION

If the Owner has reason to believe that collusion exists among bidders, the Owner will reject the bids of the known participants in such collusion and may, at its option, require that all bidders certify under penalty of perjury, that no collusion has occurred or exists. The Owner also, at its option, may reject all bids received. In accordance with Public Contract Code Section 7106 the Contractor shall complete and file with its proposal the Non-Collusion

Affidavit in Section 00480. Public Contract Code Section 7106 requires that the affidavit must be duly sworn.

12.0 INTERPRETATIONS

Requests for an interpretation shall be made in writing and delivered to the individual specified in Section 00010, Notice Inviting Bids, at least seven (7) days before the bids are opened as provided in Section 00010, **NOTICE INVITING BIDS**. No oral representations or interpretations will be made to any bidder as to the meaning of the Contract Documents.

13.0 SAFETY COMPLIANCE

The Owner requires that the Contractor conduct its operations in a manner to eliminate or reduce hazards and risks associated with the Contractor's activities, to prevent accidents and injuries, and to prevent property damages. Each Bidder shall certify under penalty of perjury that it will provide evidence that it can comply with the required mandatory Safety Programs delineated in the Affidavit of Safety Compliance contained in Specification Section 00490.

If the Bidder does not submit an Affidavit of Safety Compliance within five (5) business days following the Bid Opening, the Bid may be deemed non-responsive or the Bidder deemed a non-responsible Bidder and be disqualified.

14.0 WITHDRAWAL OF BID

Any proposal may be withdrawn at any time PRIOR to the hour fixed in the Notice Inviting Bids for the opening of proposals provided that a written request for withdrawal of a proposal, executed by the bidder or his duly authorized representative, is filed with the District. The bid will be considered null and void, and will be returned to the Contractor unopened. The withdrawal of a proposal in such a manner will not in any way prejudice the right of a bidder to file a new proposal.

In accordance with Public Contract Code 5103, within five (5) days after the opening of bids, a bidder may be permitted to withdraw its bid providing the bidder can establish to the Owner's satisfaction that a mistake was made in preparing the bid. A bidder desiring to withdraw shall give written notice to the Owner, specifying, in detail, how the mistake occurred and how the mistake made the bid materially different than it was intended to be. Withdrawal will not be permitted for mistakes resulting from errors in judgment or carelessness in inspecting the site of the work or in reading the Contract Documents.

15.0 BID PROTEST

Any Bid protest must be submitted in writing to the Project Manager before 4:30 p.m. two (2) business days following Bid opening.

- A. The initial protest document must contain a complete statement of the basis for the protest, and all supporting documentation.
- B. The party filing the protest must have actually submitted a Bid for the Work. A subcontractor of a party submitting a Bid for the Work may not submit a Bid protest. A party may not rely on the Bid protest submitted by another Bidder, but must timely pursue its own protest.

- C. The protest must refer to the specific portion of the bid document which forms the basis for the protest.
- D. The protest must include the name, address and telephone number of the person representing the protesting party.
- E. The party filing the protest must 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.
- F. The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of Bid protest. The Bidder's 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

16.0 OTHER NOTARIZED AFFIDAVITS REQUIRED WITH BID

The submitting of a bid shall be considered an acknowledgement on the part of the Bidder of familiarity with conditions at the site of the Work. The Bidder further acknowledges that the site examination has provided adequate and sufficient information related to existing conditions which may affect cost, progress or performance of the Work.

All Bidders shall submit affidavits, duly sworn and notarized, as presented in Section 00440, **PROJECT SITE VISIT AFFIDAVIT**, that they have visited and familiarized themselves with the Project Site.

The submitting of a bid shall be considered an acknowledgment on the part of the Bidder of familiarity with the Project, and its coordination requirements with this Contract's Work.

17.0 BIDDERS CHECKLIST

A checklist has been prepared and furnished to aid Bidders in including all necessary supporting information with their bid. Bidders' submittals should include, but are not limited to, the following:

<u>Item</u>	<u>Checked</u>
1. Bid Form (Section 000300)	_____
2. Bid Schedule (Section 000310)	_____
3. Iran Contracting Certification (Section 000400)If Applicable	_____
4. Bid Bond (Section 000410)	_____

5. Certification of Bidder's Experience and Qualifications

- (Section 00420) _____
- 6. Certification of Bidders Specialty Subcontractor's Experience and Qualifications (Section 00420A) _____
- 7. List of Subcontractors (Section 000430) _____
- 8. Site Visit Affidavit (Section 000440) _____
- 9. Not Used
- 10. Plan Holder's Registration Form (Section 000100) _____
(See next page for form.)
- 11. Certification of Drug-Free Workplace Requirements (Section 000458) _____
- 12. Non-Collusion Affidavit (Section 000480) _____
- 13. Affidavit of Safety Compliance (Section 000490) _____

***** END OF SECTION *****