
LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT

PHASE 1

Project No. 40174004

Contract No. C0604

1. **Notice.** Notice is hereby given that sealed Proposals will be accepted by the Construction Program of the Santa Clara Valley Water District, Room B108, of the District's Administration Building, 5750 Almaden Expressway, San Jose, California 95118 up to 2 p.m. on May 13, 2015, for furnishing all material and performing all work necessary for construction of the Lower Berryessa Creek Flood Protection Project Phase 1, Milpitas, California.
2. **California State Department of Industrial Relations Contractor and Sub Contractor Registration Requirements.** California Labor Code section 1771.1 requires:

“(a) 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, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.”

“(b) Notice of the requirement described in subdivision (a) shall be included in all bid invitations and public works contracts, and a bid shall not be accepted nor any contract or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5.”

“(c) 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.”

3. **Summary of Work**

- A. **Project Description.** The project scope includes the following:

The work to be completed under this Contract shall include, but not be limited to, furnishing all tools, equipments, materials, supplies, and manufactured articles; furnishing all labor, transportation and services, including traffic control, fuel, power, water, and essential communications; and performing all work, or other operations required to construct the following project items:

1. Compliance with NPDES General Permit, including Storm Water Pollution Prevention Plan preparation, installation of BMP's;
2. Site, noise and vibration monitoring;
3. Traffic control for all phases of the project upon approval by the City of Milpitas;
4. Clearing and grubbing within the project limits, including the removal and disposal of topsoil from topsoil salvage area; and removal of trees, vegetation (including existing wetland species), sacked concrete, channel concrete lining, rock riprap protection and other miscellaneous items;
5. Control of water; including proper diversion of upstream drainage and channel flows; diversion of downstream tidal flows; proper handling and disposal of groundwater flows that are byproducts of the required construction;
6. Channel excavation, including excavation, testing and disposal of unsuitable materials; excavation and disposal of existing levee materials;
7. Channel embankment, including raising of and proper compaction of the left bank levee (facing upstream); replacement of unsuitable materials; reusing excavated materials;
8. Construction and surfacing of a maintenance road on top of the raised left bank levee;
9. Construction and surfacing of a depressed maintenance road (including its slopes) along the right bank floodwall with articulated concrete block (ACB);
10. Surfacing of top-of-bank maintenance access path on the outboard side of the floodwall with decomposed granite material;
11. Installation of chain link gates;
12. Construction of cast-in-place concrete retaining walls at various locations of the project;
13. Construction of cast-in-place concrete floodwall using cast-in-drilled-hole (CIDH) piles;
14. Retrofit of existing floodwalls and protection of road surfaces and slopes with ACB at the Calera Creek confluence;
15. Construction of a low-flow channel;

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16. Construction of a low bench at the inboard side of the raised east levee and planting wetlands species on top of the low bench;
 17. Construction of a new steel pipe casing beneath the west bank floodwall and extension of an existing steel pipe casing beneath the east bank levee;
 18. Implementation of proper and adequate shoring adjacent to the UPRR railroad tracks for proposed structures for components of the east side levee, including footing extensions for the Calera Creek culvert wingwall/floodwall structure; steel pipe casing extension beneath the east bank levee; and other pertinent associated items;
 19. Reconstruction of driveways, sidewalks, and curbs and gutters at San Andreas Drive and California Circle/Milmont Drive;
 20. Potholing for and protection of existing utilities within and immediately adjacent to the project limits;
 21. Protection of existing residential fences during construction of and associated elements of the floodwalls and levees;
 22. Five-year plant establishment maintenance period following the plant installation.
 23. Other miscellaneous construction work and items necessary to satisfactorily complete the work as incorporated in the final plans, specifications and addendums.

B. Sole Source Products. None

4. **Contract Time.** Time limit for the completion of the work is from the date of the Notice to Begin Work to December 31, 2021. All work from property line to property line, as shown in the contract documents, shall only be implemented from June 15 to October 15 of each calendar year per regulatory permit conditions
 - A. Milestone #1: Complete all civil, structures, special structures, plantings and all work within the new channel (property line to property line) by December 31, 2016.
 - B. Milestone #2: Complete the five-year planting establishment and maintenance by December 31, 2021.
5. **Liquidated Damages.** See Special Provisions Article 11.07 of the contract documents for requirements regarding Liquidated Damages.
6. **Estimated Cost.** The estimated cost of the Project is between \$16M to \$18M. 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 Class A Contractor’s license when the Bid is submitted.
8. **Mandatory Pre-Bid Conference and Site Showing.** A pre-bid conference/site visit will be conducted by the District on April 16, 2015. The conference will convene at 9:30 a.m. at the creek juncture of North Abbott Avenue and San Andreas Drive, Milpitas, California. The pre-bid conference will begin with a District presentation on the Small Business Outreach Program. A Bid submitted by any Bidder not represented at a mandatory pre-bid conference/site visit will be considered non-responsive. Attendance at the pre-bid by subcontractors is not required. Pre-bid details (including parking for the meeting, etc.) will be provided to the contractor prior to the conference.

Attendance by the Bidder at the pre-bid conference/site visit is:

- Mandatory
- Optional

The objective of the 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 meeting and site visit 24 hours in advance by sending e-mail to scvwdplanroom@valleywater.org.

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

9. **Availability of Bid Documents.** Contract Documents, including Drawings and Specifications, are available in both paper and electronic (pdf) formats. Paper copies may be purchased for the nonrefundable price of \$50. Provide FedEx account number or add \$10 per set for packaging and postage. Electronic version is free, transferred via file transfer protocol (FTP) site.

To order Contract documents:	Request Form and information available online. Website: http://www.valleywater.org/Programs/Construction.aspx Email: scvwdplanroom@valleywater.org FAX: (408) 979-5631 Phone: (408) 630-3088
To pick up Contract documents in person:	Santa Clara Valley Water District 5700 Almaden Expressway San Jose, CA 95118 Business Hours: 8 a.m. – 5 p.m.

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- 10. Inquiries.** The Bidder must submit all requests for clarification, or interpretation of the Bid Documents in accordance with the requirements stated in Article 3.04 of the Standard Provisions. Written questions must be directed to the project manager and submitted at least ten (10) 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 www.valleywater.org/Programs/Construction.aspx.

- A. Project Manager.** The District's project manager for this project is Ted Ibarra and can be reached via e-mail at tibarra@valleywater.org or at (408) 630-2067, or at his cell number of (408) 550-3967.
- B. Process Questions.** For questions regarding the advertisement process, contact the District Plan Room at (408) 630-3088, or 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 §1770 of the Labor Code. Said wage rates are incorporated herein by reference and may be inspected upon request. The rates are also available on the State of California Department of Industrial Relations website at <http://www.dir.ca.gov/>. See Standard Provisions — Articles 6.04 through 6.06 for related requirements.
- 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 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 Proposals must be submitted in sealed envelopes addressed to Construction Program of the Santa Clara Valley Water District, 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. Alternate Delivery for Bid Submittal.** Bidders electing to submit a Proposal by FEDEX, UPS, DHL, CA Overnight, Golden State Overnight, etc., must address the submittal in accordance with instructions stated in Paragraph 11 above. Any Proposal received after 2 p.m. will be considered non-responsive.

Address the outside delivery envelope as follows:

Santa Clara Valley Water District
Attention: Construction Program – **BID**
5905 Winfield Boulevard
San Jose, CA 95123-2428

Note: USPS (US Mail) does not deliver to 5905 Winfield Boulevard.

13. **Bid Opening.** The Construction Program staff will open Proposals at the time and place stated in Paragraph 1 above.
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. **Bidders Security.** Each Proposal must be accompanied by cash, a certified or cashier's check, or a Bidder's bond in the sum of not less than 10 percent of the total aggregate of the Proposal including all additive Bid items. Said checks or bonds must be made payable to the Santa Clara Valley Water District.

16. **Contract Retention.**

- The Contract Retention for this Project is established at five percent of the Contract Price.
- The Contract Retention for this Project is established at ten 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.


To comply with the PCC in regards to increasing the retention to 10%, staff recommends the Board find that the Project is substantially complex and, therefore, requires construction contract retention of ten (10) percent. The Project is substantially complex because construction of 40 feet deep 24 inch diameter cast-in-drilled-hole (CIDH) piles in groundwater conditions is difficult to ensure good quality control based on anomalies staff encountered for similar projects. The increased level of construction complexity due to below ground project conditions, and limited space between the pile locations and private property, make this Project unique and beyond what is customarily required.

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 §22300 of the Public Contract Code.
18. **Small Business Preference.** The District has elected to implement the small business preference provisions of Public Contract Code §2002(a)(1). For purposes of the District's program, a small or micro business is as defined in Government Code §14837. Please refer to the small business compliance requirements stated in the Small Business Instructions included with these Bid documents.

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19. **California Department of Water Resources' Grant Requirements.** This Project is partially funded by a Proposition 1E Integrated Regional Water Management Stormwater Flood Management Grant from the California Department of Water Resources. The Contractor must comply with all Grant mandated requirements. See Appendix B of the Specifications for a complete listing of requirements.
 20. **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.
 21. **Permits.** The District has obtained all necessary regulatory permits, except the 404 permit from the U.S. Army Corps of Engineers (USACE) for the subject project. If the 404 permit is received, it will be issued by Addendum prior to opening bids.

By order of the Board of Directors of the Santa Clara Valley Water District, San Jose, California, on March 24, 2015.

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors