
LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT – PHASE 2

Project No. 40174005

Contract No. C0614

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 11, 2016** for furnishing all material and performing all work necessary for construction of the Lower Berryessa Creek Flood Protection Project Phase 2, Milpitas, California.
2. **California State Department of Industrial Relations Contractor and Sub Contractor Registration Requirements.** (See Article 3.05 and 6.04 for the full text) 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.

3. **Summary of Work**

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

The work to be completed under this Contract shall consist of furnishing all tools, equipment, materials, supplies, and manufactured articles and furnishing all labor, transportation and services, including fuel, power, water, and essential communications, and performing all work, or other operations required to construct the Lower Berryessa Creek Flood Protection Project Phase 2, all within the City of Milpitas, as illustrated on the Plans and detailed in these Specifications. The project is being constructed to increase channel flood capacity and improve the ecology of the creek system. The work includes, but is not limited to the following:

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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 salvage of topsoil from topsoil salvage area; and removal of trees, vegetation (including existing wetland and riparian species), sacked concrete, channel concrete lining, miscellaneous concrete wall, asphalt concrete pavement, rock riprap protection, and other miscellaneous items;
 5. Control of water; including proper diversion of upstream drainage and channel 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 unsuitable 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. Construct rock slope protection for channel bank protection and storm drain outfall realignment;
 12. Install chain link fence and gates;
 13. Construct cast-in-place concrete retaining walls at maintenance road ramps and pedestrian ramps;
 14. Construct cast-in-place concrete floodwall using cast-in-drilled-hole (CIDH) piles;

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15. Construct a low-flow channel;
 16. Construct a low bench at the inboard side of the raised east levee and planting riparian plants on top of the low bench;
 17. Construct concrete top casing over existing 60-inch RCP;
 18. Install steel casing around future 96-inch water pipe;
 19. Install concrete casing around existing 78-inch and 96-inch water pipes;
 20. Install steel split casing around AT&T line;
 21. Implement proper and adequate shoring where required;
 22. Potholing and protection of existing utilities within and immediately adjacent to the project limits;
 23. Modify storm drain outfalls to conform to floodwalls and channel slopes ;
 24. Modify the outfalls of the discharge pipes for the Berryessa pump station;
 25. Raise sanitary sewer manholes to conform to proposed grades;
 26. Install a catch basin and connect it to the existing storm drain network;
 27. Raise drainage box near Wrigley Ford pump station.
 28. Protect existing residential fences during construction of and associated elements of the floodwalls and levees;
 29. Construct concrete apron extension;
 30. Install a lift-hinged flood gate;
 31. Replace existing driveway, sidewalk, curb, and gutter adjacent to Hetch Hetchy right-of-way;
 32. Remove, salvage, and reinstall the existing pedestrian bridge, and raising its concrete abutments;
 33. Construct asphalt concrete pedestrian ramps near pedestrian bridge;
 34. Construct concrete pedestrian ramp structure near pedestrian bridge;
 35. Remove wooden stairs and replace with concrete stairs;
 36. Install irrigation lines as shown in the Drawings;

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37. Five-year plant establishment maintenance period following the plant installation;
 38. Abandon and remove water supply and monitoring wells;
 39. 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, 2022. 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, 2017.
 - B. **Milestone #2:** Complete the three-year planting establishment and maintenance by December 31, 2020.
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 \$46M to \$51M. 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. **Pre-Bid Conference and Site Showing.** A pre-bid conference/site visit will be conducted by the District on April 13, 2016. The conference will convene at 9:30 a.m. at Peter D. Gill Memorial Park, 611 Paseo Refugio, Milpitas, CA. 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 contractors 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 \$110.00. Provide FedEx account number or add \$20.00 per set for packaging and postage. Electronic version is free, transferred via file transfer appliance (FTA) 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.

- 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 Youhan Lee and can be reached via e-mail at ylee@valleywater.org at (408) 630-3121.

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- 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 12 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 5 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 percent, staff recommends the Board find that the Project is substantially complex due to the extensive number of 24 inch diameter cast-in-drilled-hole (CIDH) piles that will be installed. The piles range in length from 15 to 50 feet and will be installed in varying groundwater conditions. As a result of the below ground project conditions and limited space between the pile locations and private property, this Project has a unique level of construction complexity beyond what is customarily encountered.

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.

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. **Escrow Bid Documents.** Escrow Bid Documents must be submitted by the three apparent low bidders in a sealed container, separate from their proposal, no later than 5 p.m. on the 2nd business day after the Bid opening. Each container shall be clearly marked on the outside with the bidder's name, date of submittal, project name, and the words "Escrow Bid Documents." Timely submission of the Escrow Bid Documents is considered material by the District.

The Escrow Bid Documents must be accompanied by a separate certification, **Bid**

Form 10, Escrow Bid Documents Certification, signed by an individual authorized by the bidder to execute the bidding proposal, stating that the material in the Escrow Documents constitutes all of the documentary information used in preparation of this bid, and that he/she has personally examined the contents of the Escrow Documents.

21. **Rights-of-Way.** The District has obtained all necessary Rights-of-Way, except for eight parcels owned by the City of Milpitas totaling approximately 0.6 acres. When these Rights-of-Way are obtained by the District, contractors will be notified by Addendum issued by the District prior to bid opening. No construction contract will be awarded by the District until all required Rights-of-Way are secured.
22. **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 March 22, 2016.

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors