

LOWER PENITENCIA CREEK IMPROVEMENTS PROJECT**Project No. 40334005****Contract No. C0655**

- 1. Notice. Due to the County of Santa Clara Public Health Officer's Order, the Santa Clara Valley Water District offices remain closed to the public until further notice.**

Notice is hereby given that sealed Bids will be received by the Construction Program of the Santa Clara Valley Water District (District), delivered either by a third party carrier such as FED EX, UPS, DHL, Overnight, Golden State Overnight, etc. or by hand delivery, at the District's Winfield Warehouse Building located at 5905 Winfield Boulevard, San Jose, California 95123-2428 only between 1:00 p.m. - 2:00 p.m. on **Wednesday, April 21, 2021**, for furnishing all material and performing all work necessary for construction of the Lower Penitencia Creek Improvements Project, in Milpitas, California.

NO BIDS WILL BE ACCEPTED VIA USPS (US MAIL).

Additional information and Instructions to Bidders are posted on the District's Construction Administration webpage: <https://www.valleywater.org/construction>.

- 2. California State Department of Industrial Relations Contractor and Subcontractor Registration Requirements.**

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:

- A. The subcontractor is registered prior to the bid opening.
- B. Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee.
- C. 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 is being constructed to increase channel flood capacity and improve the ecology of the creek system. The scope includes the following:
1. Compliance with NPDES General Permit, including BMP Action Plan or Storm Water Pollution Prevention Plan preparation, installation of BMP, and implementing the approved SWPPP;
 2. Compliance with the Project regulatory permits including the Lake and Streambed Alteration Agreement (CDFW), the Section 401 Water Quality Certification (SFBRWQCB), 404 Permit (USACE);
 3. Compliance with the Project permits including City of Milpitas encroachment permit and Caltrans encroachment permit;
 4. Site, noise and vibration monitoring;
 5. Develop and implement traffic control for the Project for approval by the City of Milpitas;
 6. Clearing and grubbing within the Project limits, including the removal of trees and vegetation (including existing wetland species), sacked concrete, channel concrete lining, rock riprap protection and other miscellaneous items identified in the Drawings;
 7. 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;
 8. Channel excavation, including excavation, testing and disposal of unsuitable materials; excavation and disposal of existing levee materials;
 9. Construction of a new levee and raising of existing levees; replacement of unsuitable materials; and reusing excavated materials;
 10. Construction and surfacing of maintenance roads on top of the left and right bank levees (facing upstream);
 11. Construction and surfacing of depressed maintenance road along the left bank (facing upstream) between California Circle and Milmont Drive, in the City of Milpitas, with aggregate base (AB) material;
 12. Surfacing of top-of-bank maintenance access path on the inboard side of the floodwall with AB or concrete or asphalt concrete (AC), as shown on the Drawings;
 13. Surfacing of top-of-bank maintenance access path on the outboard side of the floodwall with decomposed granite (DG) material;

14. Remove and dispose existing articulated concrete blocks (ACB) on the left bank levee (facing upstream) between Milmont Drive and San Andreas Drive as shown on the Drawings;
15. Construct a new vehicular access road to California Circle pump station;
16. Reconstruction of driveways, sidewalks, and curbs and gutters at San Andreas Drive, California Circle, Milmont Drive and N. McCarthy Boulevard in the City of Milpitas.
17. Remove and dispose/salvage existing chain link fence and gates, as shown on the Drawings;
18. Installation of chain link fence and gates with black vinyl coating;
19. Construction of cast-in-place concrete floodwalls and retaining walls at various locations of the Project;
20. Construction of sheet pile floodwalls;
21. Install surface texturing to floodwall with decorative patterns as shown on the Drawings;
22. Remove and dispose of interfering portions of existing retaining walls built as part of Waterstone and Circuit developments single-family homes built along California Circle in the City of Milpitas;
23. Implementation of proper and adequate shoring adjacent to the Waterstone and Circuit development retaining walls for construction of sheet pile floodwall; and other pertinent associated items;
24. Modify existing drainage and storm drain outfalls, and pump station outfalls;
25. Installation of duckbill check valves at the City of Milpitas pump station outlets (three-36-inch diameter outlets at California Circle and two-24-inch diameter outlets at Abbott Avenue) and one-24-inch diameter storm drain outfall at north bank between I-880 and California Circle bridges;
26. Potholing and protection of existing utilities within and immediately adjacent to the project limits;
27. Coordinate with utility owners to perform utility protection in place as shown in the Drawings and provided in these Specifications;
28. Protection of existing residential fences during construction of and associated elements of the floodwalls and levees;
29. Planting wetland species, trees, and landscaping elements at various locations as shown in the Drawings; and provide labor and material for a three-year plant establishment maintenance period following the plant installation;

30. Other miscellaneous construction work and items necessary to satisfactorily complete the work as incorporated in the final plans, specifications and addenda.
31. In addition, the work to be completed under this Contract includes replacement, in kind, of any existing landscaping and its associated appurtenances that will be disturbed by construction activities. The Contractor's attention is directed to the existing access and easement area in City streets. Any landscape or structures, including access points, disturbed by construction shall be replaced in kind at the Contractor's expense.

B. Milestone Completion:

Work shall include the following milestones and completion dates:

1. Milestone 1: Complete all civil, special structures, plantings and all other associated work within the Project area by December 31, 2022. All in-channel work shall be completed by October 15, 2021.
2. Milestone 2: Complete the three-year planting establishment and maintenance by December 31, 2025.

C. Sole Source Products. None.

4. **Contract Time.** Time limit for the completion of the Work is **1,736** calendar days. See Contract Documents, Special Provisions, Article 12.03. Contract Time(s) for Milestones and Contract Times.
5. **Liquidated Damages.** See Standard Provisions, Liquidated Damages, Article 5.07 and Special Provisions, Liquidated Damages, Article 12.05 of the Contract Documents for requirements regarding Liquidated Damages.
6. **Estimated Cost.** The estimated cost of the Project is \$16 million to \$21 million. 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 current **Class A** Contractor's license issued by the California Department of Consumer Affairs, Contractor's State License Board when the Bid is submitted. Regardless of whether a subcontractor must be identified at the time of Bid, each subcontractor must also be

properly licensed to perform its scope of Work. In addition, the Bidder or subcontractor must possess an International Society of Arboriculture (ISA) Certification, a C-27 license, a California Pesticide Application license, and Applicator Business license. All licenses must be in effect when the Bid is submitted.

8. **Pre-Bid Conference and Site Visit.** A Pre-Bid conference/site visit will be conducted by the District on **Tuesday, March 23, 2021**. The Pre-Bid conference/site visit will convene at 10:00 a.m. (Pacific Standard Time), at Access Gate by San Andreas Drive Bridge in Milpitas, CA 95035. Anyone not in attendance at the meeting by the time indicated above will be considered late and as having not attended this **MANDATORY** Pre-Bid conference/site visit. A Bid submitted by any Bidder not represented at the entire mandatory Pre-Bid conference/site visit will not be considered and its Bid will be returned unopened. Attendance at the Pre-Bid conference/site visit by subcontractors is not required.

Attendance by the Bidder at the Pre-Bid conference/site visit is:

- Mandatory
 Optional

The objective of the Pre-Bid conference/site visit is to familiarize prospective Bidders with the site; no additional site visits within Valley Water gated area will be allowed. Please confirm your intent to attend the Pre-Bid conference/site visit 24 hours in advance by sending an email to scvwdplanroom@valleywater.org. Additional information regarding the Pre-Bid conference/site showing will be sent to all prospective Bidders who confirm their intention to attend.

In response to the COVID-19 pandemic, the District will require that all participants adhere to the orders of Social Distancing. All persons attending the Pre-Bid conference/site visit are required to adhere to the orders of Social Distancing and are also required to bring and wear the appropriate Personal Protection Equipment (PPE), i.e., protective face covering, in order to be allowed entrance onto the site and to remain on the site.

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

9. **Availability of Bid Documents**

Due to the County of Santa Clara Public Health Officer's Order, District offices will remain closed to the public until further notice. The Contract Documents are only available in electronic (PDF) format. The electronic version is free and will be transferred via file transfer appliance (FTA) site.

To Request Electronic Contract Documents:

Request Form and information available online:

- Website: <https://www.valleywater.org/construction>
- Email: scvwdplanroom@valleywater.org

- 10. Inquiries.** The Bidder must submit all requests for clarification, or interpretation of the Bid Documents in accordance with the requirements stated in Instructions to Bidders, paragraph #7. Questions During Bidding. Written questions must be directed to the Contracts Administrator at scvwdplanroom@valleywater.org and submitted at least nine (9) 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 <https://www.valleywater.org/construction>.

- A. Project Manager.** The District's project manager for this Project is Bill Sanchez.
- B. Process Questions.** For questions regarding the bid process, please contact the District Plan Room by email at 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 Section 1770 *et seq.* of the Labor Code. Said wage rates are incorporated herein by reference and are available on the State of California Department of Industrial Relations website at: <http://www.dir.ca.gov/>. See Standard Provisions, Prevailing Wages Article 4.04. through Apprentices Article 4.06. for related requirements.

Due to the County of Santa Clara Public Health Officer's Order, District offices will remain closed to the public until further notice. The wage rates are therefore not currently available for review at District offices.

- 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 Bids must be submitted in sealed envelopes addressed to the Santa Clara Valley Water District. Attention: Construction Programs 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. Bid Submittal Delivery. Bidders are allowed to submit a bid proposal by third party carrier or by hand delivery.

THIRD PARTY CARRIER such as: FEDEX, UPS, DHL, CA Overnight, Golden State Overnight, etc., and must address the submittal in accordance with instructions stated in this paragraph 12. Any Proposal received after 2 p.m. will not be considered. Late Bids will be returned unopened.

HAND DELIVERY shall only be between the hours of 1:00 p.m. - 2:00 pm. on the bid due date, at the Winfield Warehouse located at 5905 Winfield Boulevard, San Jose, CA 95123. Upon entrance through the gate, turn left towards the warehouse building. Bid submittal shall be delivered at a drop off box, marked "Bid/Submittal Drop Box," located in front of the warehouse entrance door. Each Bidder must take a picture using its cellphone showing the "Official Bid Clock" timer as proof of delivery. Bidders must observe all Public Health Officers orders and wear proper face covering when dropping off your Bid.

Any Proposal received after 2 p.m. will not be considered. Late Bids will be returned unopened.

NO BIDS WILL BE ACCEPTED VIA USPS (US MAIL). USPS (US Mail) does not deliver to 5905 Winfield Boulevard.

Address the outside delivery envelope as follows:

Santa Clara Valley Water District
Attention: Construction Contracts and Support Unit
C0655 – Lower Penitencia Creek Improvements Project
5905 Winfield Boulevard
San Jose, CA 95123-2428

13. Bid Opening. For the duration of the COVID-19 pandemic, to ensure the safety of the public and District employees and requisite social distancing requirements by Order of the County of Santa Clara Public Health Officer, the opening of bids shall be made available to the public only by video teleconference, live-stream, on the date stated in this Notice to Bidders, paragraph #1. Notice, above, at **2:30 p.m.** The results will be posted on the District's website at <https://www.valleywater.org/construction> no later than the following day.

- A. **Join Zoom Meeting.** Any person interested in attending the live-stream bid opening, may do so by accessing the link below, or join via phone by calling the toll-free number listed below:

Join Zoom Meeting: <https://valleywater.zoom.us/j/3796054075>

Meeting ID: 379 605 4075

One tap mobile:

+16699009128, 3796054075# US (San Jose)

+13462487799, 3796054075# US (Houston)

Dial by your location:

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 379 605 4075

Find your local number: <https://valleywater.zoom.us/u/aekffBkBma>

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. **Bidder's Security.** Each Proposal must be accompanied by cash, a certified check, money order, cashier's check, or an original Bidder's bond in the sum of not less than 10 percent of the total aggregate of the Proposal including all additive and supplemental Bid items, if any. Said checks or bond must be made payable to the Santa Clara Valley Water District.
16. **Contract Retention**
- The Contract Retention for this Project is established at five (5) percent of the Contract Price.
- The Contract Retention for this Project is established at ten (10) 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.
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 Public Contract Code Section 22300.

18. **Small Business Preference.** [NOT USED].
19. **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 Tuesday, March 9, 2021.

ATTEST: MICHELE L. KING, CMC


Clerk, Board of Directors

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