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Santa Clara Valley Water District
Notification of this Addendum is transmitted via email to all current plan holders.
This Addendum is posted on the Valley Water website at
<https://www.valleywater.org/construction>

February 2, 2021

ADDENDUM NO. 1
TO CONTRACT DOCUMENTS FOR THE
LOWER CALERA CREEK FLOOD PROTECTION PROJECT
Project No. 40174005 Contract No. C0666

Notice is hereby given to Prospective Bidders that the Contract Documents are modified as hereinafter set forth.

BID DOCUMENTS

NOTICE TO BIDDERS

1. **REPLACE** the first sentence of Paragraph 8. Pre-Bid Conference and Site Visit with:
“A Pre-Bid conference/site visit will be conducted by the District on **Thursday, February 11, 2021.**”
2. **ADD** the following on Paragraph 8. Pre-Bid Conference and Site Visit:
“This Project has been deemed essential work as “Critical Infrastructure” under Paragraph 2.d of the State Regional Stay at Home Order and as “Essential Infrastructure” under the County of Santa Clara Order.

In accordance with the Santa Clara County Mandatory Directive on Travel, Exemptions from Mandatory Travel Quarantine 3.b. Persons traveling solely for the purpose of performing an essential governmental function, as defined by the governmental entity responsible for that function do not need to quarantine following that travel.”

BID FORM NO. 7

3. **REPLACE** BID FORM NO. 7 Bidders General Information with “BID FORM NO. 7 (REV 1) Bidders General Information” (ATTACHMENT 1)

ADDENDUM NO. 1
Santa Clara Valley Water District
C0666 – Lower Calera Creek Flood Protection Project

SPECIFICATIONS AND CONTRACT DOCUMENTS

SPECIAL PROVISIONS

ADD the following sub items under Article 14.14. Escrow Bid Documents:

4. “C. **REPLACE** Article 3.14.04.A in the Standard Provisions with the following:
 - A. The Escrow Bid Documents shall be submitted by the three (3) apparent low Bidders in a sealed container separate from their proposal no later than 5 p.m. on the **third business day** following the Bid opening Day. 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 these forms is considered material by the District.”
5. “D. **REPLACE** Article 3.14.04.C in the Standard Provisions with the following:
 - C. The Escrow Bid Documents of the apparent successful Bidder will be opened and **reviewed** by an appointed member of the District in the presence of the Bidder before the Contract is awarded. The apparent successful Bidder and applicable Subcontractors as stated in paragraph “G” in this Article shall attend this **review**.”
6. “E. **REPLACE** Article 3.14.04.D in the Standard Provisions with the following:
 - D. This **review** is to ensure that the Escrow Bid Documents are legible and **sufficient**. It will not include a review of, or constitute approval of, proposed construction methods, estimating assumptions, or interpretations of the Contract Documents. The **review** will not alter any condition or term of the Contract. Should the **review** indicate that any data is incomplete or missing, the Bidder shall supply the missing information within 24 hours or at such other time as is mutually agreeable.”
7. “F. **REPLACE** Article 3.14.05.A in the Standard Provisions with the following:
 - A. Upon completion of the **review**, receipt of the apparent successful Bidder's Escrow Bid Documents will be acknowledged in writing by the District. The documents will be placed in escrow for the life of the Contract at an escrow firm within the greater Santa Clara County area chosen by the District. The District will pay for storage and maintenance of the Escrow Bid Documents.”

APPENDICES

8. **REPLACE** Appendix C. Permits and Licenses, Item 12. CWA Section 404 Permit 2003-28440S Time Extension (U.S. Army Corps of Engineers) with ATTACHMENT 2. CWA Section 404 Permit 2003-28440S Time Extension (U.S. Army Corps of Engineers) dated January 11, 2021.

THIS ADDENDUM NO. 1, WHICH CONTAINS 3 PAGES AND 2 ATTACHMENTS, IS ATTACHED TO AND IS A PART OF THE SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THIS PROJECT.

DocuSigned by:

Rechelle Blank

Date: 2/2/2021

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Rechelle Blank, P.E.

Deputy Operating Officer

Watersheds Design and Construction Division

Enclosure(s): ATTACHMENT 1: BID FORM NO. 7 (REV 1) Bidders General Information
ATTACHMENT 2: CWA Section 404 Permit 2003-28440S Time Extension (U.S. Army Corps of Engineers) dated January 11, 2021



ATTACHMENT 1
BID FORM NO. 7 (REV 1)
Bidder's General Information

*This form must be completed in **ink** and changes must be **initialed**.*

Timely submission of these Forms is considered **material** by the District.

All Bidders must complete and submit this Bidder's General Information, Bid Form 7, including the required attachments. The Bidder may be considered not responsible based on information provided on this Form. Additional sheets may be attached as required.

1. Number of years as a contractor in construction work of this type: _____

2. Names and titles of all officers of Bidder's firm:

3. Name of person(s) who inspected site of proposed work for your firm:

Name: _____ Date of Inspection: _____

4. Name, address, and telephone number of surety company and agent who will provide the required bonds for this Contract:

5. Résumé of Designated Authorized Representative: Attach the résumé of the person who will be designated as authorized representative. **The Contractor's authorized representative must have requisite background and experience to administer and oversee the Work on behalf of the Contractor. The representative must have complete authority to represent and act for the Contractor as stated in Standard Provisions, Contractor Staffing, Article 3.03.**

6. Prior Construction Contracts: Bidder must provide at least two (2) construction contracts similar in scope and complexity to this Project that your organization has performed during the last 5 years. Use the PRIOR CONSTRUCTION CONTRACTS form (page 3 of this Bid Form 7) for each project.

7. Claims and lawsuits: if the answer to any of the questions below is "yes" explain the circumstances on an attached sheet.

7.1 Has your organization ever failed to complete an awarded contract?

Yes No



BID FORM NO. 7 (REV 1)
Bidder's General Information

Page 2 of 3

*This form must be completed in **ink** and changes must be **initialed**.*

7.2 Are there any judgments, claims, alternate dispute resolution proceedings or suits pending or outstanding against your organization or its officers?

Yes No

7.3 Has your organization filed any lawsuits or requested an alternate dispute resolution with regard to construction contracts within the last 5 years?

Yes No

8. The Bidder hereby declares that the Bidder has not been convicted, within the preceding 3 years, of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of any public work contract with any public entity. The term "Bidder" includes any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof.

9. Has the Bidder, any officer of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder, ever been disqualified, removed or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes No

If the answer is "yes," explain the circumstances in the following space:

10. The Bidder signing for Contractor certifies that neither Bidder nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

District reserves the right to verify the above information.

I STATE UNDER PENALTY OF PERJURY THAT EACH AND ALL OF THE STATEMENTS I HAVE MADE IN RESPONSE TO PARAGRAPHS 8, 9 & 10 ABOVE ARE TRUE AND CORRECT.

SIGNATURE BLOCK (Signature Block must be completed in <i>ink</i> and changes must be <i>initialed</i>.)	
Bidder's Signature:	Date:
Bidder's Name and Title (Print):	



This form must be completed in *ink* and changes must be *initialed*.

PRIOR CONSTRUCTION CONTRACTS

The Bidder may make as many copies of this page as necessary. Bidder may provide the required information on an alternative document. Bidder must submit a signed original of this page 3 of Bid Form 7.

Respond to each item, indicating "none" where appropriate.

- A. Name, address, and telephone number of owner: _____

- B. Name of project: _____
- C. Location of project: _____
- D. Brief description of the work involved: _____

- E. Contract amount: _____
- F. Claims amount: _____
- G. Liquidated damages assessed: _____
- H. Date of completion of contract: _____
- I. Name, address, and telephone number of design firm's architect or engineer:

- J. Name of owner's project manager: _____
- K. Declaration of Default (Yes or No): _____
- L. Litigation on questions of project performance: _____
- M. Determination of failure to pay prevailing wages or other state and/or federally required taxes or contributions: _____

- N. Citations by federal OSHA or CAL OSHA: _____

District reserves the right to verify the above information.

SIGNATURE BLOCK (Signature Block must be completed in <i>ink</i> and changes must be <i>initialed</i>.)	
Bidder's Signature:	Date:
Bidder's Name and Title (Print):	



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE, 4TH FLOOR
SAN FRANCISCO, CALIFORNIA 94102-3406

ATTACHMENT 2

January 11, 2021

Regulatory Division

SUBJECT: File Number #2003-284400S

TIME EXTENSION

Ms. Sue Tippetts
Interim Chief Operating Officer
Valley Water
5750 Almaden Expressway
San Jose, CA 95118-3614
jmanitakos@valleywater.org

Dear Ms. Tippetts:

This letter is written in response to your request dated December 9, 2020 for a second time extension for the Lower Berryessa and Lower Calera Creek Flood Protection Project, Permit Number 2003-284400S, initially issued by this office on June 15, 2015. This permit authorized you to construct flood control improvements along 8,593 linear feet of Lower Berryessa Creek and to construct improvements along approximately 3,127 linear feet of Lower Calera Creek within the City of Milpitas, Santa Clara County, California. Project construction has been delayed due to a number of factors. A time extension was issued on February 15, 2018, and project construction for the Lower Berryessa Creek portion has been completed. However, project construction for the Lower Calera Creek portion will require additional time to complete.

You are hereby granted Department of the Army authorization to extend the completion date specified in General Condition No. 1 of Department of the Army Permit Number 2003-284400S to December 31, 2023. If the authorized work is not completed on or before December 31, 2023, this authorization, if not previously revoked or specifically extended, shall automatically expire. Except for General Condition No. 1, all conditions of the original permit remain in full force and effect.

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Should you have any questions regarding this matter, please contact Keith Hess of our Regulatory Division by email at keith.d.hess@usace.army.mil or by phone at (707) 43-0855. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://www.spn.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

Katerina Galacatos, Ph.D.
South Branch Chief, Regulatory Division

Copies Furnished:

US EPA, San Francisco, CA (Attn. Luisa Valiela, valiela.luisa@epamail.epa.gov)
CA DFW, Napa, CA (Attn Tami Schane, Tami.Schane@wildlife.ca.gov)
CA RWQCB, Oakland, CA (Attn. Margarete Beth, mabeth@waterboards.ca.gov)