

NOTICE TO BIDDERS

Bids Opening Date: **Wednesday, September 29, 2015**

General work description: construct an on-ramp, four Caltrans-type masonry sound walls along WB I-80 and the WB on-ramp, retaining walls, city masonry walls, roadway pavement, drainage systems, Riverside Avenue pedestrian overcrossing bridge and electrical work under the Caltrans 2010 Standard Specifications and Standard Plans.

The Contra Costa Transportation Authority ("Authority") will receive sealed bids for the CONSTRUCTION ON AND ADJACENT TO STATE HIGHWAY IN CONTRA COSTA COUNTY IN SAN PABLO ON ROUTE 80 FROM McBRIDE AVENUE OVERCROSSING TO EL PORTAL DRIVE UNDERCROSSING PROJECT ("Project").

District-County-Route-Post Mile: 04-CC-80-PM 3.8/5.3

CCTA Contract Number: 416
Caltrans Project ID: 0413000365
Federal-aid Project No. ATPL-6072(019)

Bid forms for this work are included in a separate book entitled:

PROPOSAL AND CONTRACT
FOR
I80/SAN PABLO DAM ROAD INTERCHANGE – PHASE 1

Bidders must submit bids under sealed cover plainly marked as a bid and identified with the CCTA Contract Number, the date and time for receipt of sealed bids noted below and the name of the bidder. Bids not properly marked will be considered nonresponsive.

Contract Documents can be obtained at www.planroom.us/contracostatrans. Please register at the aforementioned website as bids will only be accepted from registered plan holders. Any addenda issued for this project will also be available at this website.

The Contractor must have a Class A General Engineering Contractors license.

You are prohibited from bidding on the project if you are ineligible to perform work on a public works project under § 1777.1 or § 1777.7 of the Labor Code.

This project is subject to the "Buy America" provisions of the Surface Transportation Assistance Act of 1982 as amended by the Intermodal Surface Transportation Efficiency Act of 1991. Bidders must complete and include with their bids the appropriate certification relating to compliance with the Buy America requirements. A bidder that submits an incomplete or incorrect Buy America certificate may have their bid deemed non-responsive in the sole discretion of the Authority. Bidders are advised to review the specific Buy America requirements contained in the Contract Documents and under 49 CFR Part 661. Buy America requirements apply to each acquisition of iron, steel, or manufactured goods. Thus, unless an acquisition qualifies for a waiver as discussed in 49 CFR Part 661.7, federal funds may not be used to finance the acquisition of iron, steel, or manufactured goods not in compliance with Buy America requirements.

This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code, Section 12990.

Prior to submitting a bid, the Contractor and subcontractors must be registered with the Department of Industrial Relations and qualified to perform public work pursuant to Labor Code section 1725.5, subject to limited legal exceptions under Labor Code section 1771.1. If awarded a contract, the successful bidder and its subcontractors of any tier shall maintain active registration with the Department of Industrial Relations for the duration of the Project.

Bids must be on a unit price basis.

The successful bidder shall complete work within 325 working days from the commencement date set forth in the Authority's notice-to-proceed. If the successful bidder fails to complete the work within the above-specified time limit, the Contractor shall pay liquidated damages to the Authority, computed at the rate outlined in the 2010

Caltrans Standard Specifications. Additionally, the bidder's attention is directed to the Special Provisions where there are provisions related to liquidated damages associated with missing interim milestones and late pick-up of lane closures.

Complete the plant establishment work within 200 working days.

Complete the work, including plant establishment work, within 525 working days.
The estimated cost of construction is \$15,965,000.

A pre-bid (pre-proposal) meeting is scheduled for 1.30 p.m. on September 1, 2015, in the Board Room (Suite 110) at the office of the Contra Costa Transportation Authority located at 2999 Oak Road, Suite 100, Walnut Creek, CA 94597. Prospective bidder's attendance is HIGHLY RECOMMENDED but not mandatory.

The Authority will receive sealed bids until exactly 2:00 p.m. on Tuesday, September 29, 2015, in the Board Room (Suite 110) at the office of the Authority located at 2999 Oak Road, Suite 100, Walnut Creek, CA 94597. Bids received after this time will not be accepted. Bids will be valid for ninety (90) calendar days after the bid opening date.

The Authority will immediately open and publicly read the bids at the above mentioned location after the specified bid closing time.

Questions about alleged patent ambiguity of the plans, specifications, or estimate must be submitted as a bidder inquiry before bid opening. After this time, the Authority will not consider these questions as bid protests.

Bidders shall email bidders' inquires and other communications relative to this project to Nick Panayotou, Resident Engineer of The Hanna Group, at Nick@HannaGrp.com. Submit all bidder inquiries on the Bidder Inquiry Form included in the *Proposal and Contract* booklet. Bidder inquiries must be received by 4:00 PM on September 22, 2015. All responses to bidder inquiries and addenda will be available at www.planroom.us/contracostatrans. It is each bidder's responsibility to check the website for these documents.

Submit your bid with bidder's security equal to at least ten percent (10%) of the bid. The bid security shall be in the form of cash, certified or cashier's check or a bid bond in favor of the Authority.

All prime contractors are encouraged to use qualified Small Business Enterprise ("SBE") subcontractors and directly purchase goods from qualified SBEs by utilizing SBE vendors when available and the price of the goods sought is reasonable. All prime contractors are required to report on SBE usage on a quarterly basis during the term of each contract, using a form provided by the Authority.

For purposes of this bid, a SBE shall be a "small business" within the meaning of California Govt Code §14837. If CCTA's SBE Policy conflicts with any funding source's programs, policies, regulations or requirements, CCTA will make the SBE Policy consistent with said funding source's programs, policies, regulations, and requirements to the extent permissible by law.

This is a federal aid contract. The Disadvantaged Business Enterprise ("DBE") contract goal is **10%**. You must meet this DBE goal and/or provide adequate Good Faith Efforts documentation as outlined in the Special Provisions and in accordance with federal DBE regulations codified at Title 49, Part 26 of the Code of Federal Regulations. To comply with the Authority DBE Program's Good Faith Efforts requirements, the bidder must take certain actions a minimum of fifteen (15) days prior to bid opening.

The federal minimum wage rates for this Project as determined by the United States Secretary of Labor are available at <http://www.dot.ca.gov/hq/esc/oe/federal-wages>.

If the minimum wage rates as determined by the United States Secretary of Labor differs from the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, the contractor and subcontractors must not pay less than the higher wage rate. The US Department of Labor does not accept lower state wage rates not specifically included in the federal minimum wage determinations. This includes helper, or other classifications based on hours of experience, or any other classification not appearing in the federal wage determinations. Where federal wage determinations do not contain the state wage rate determination otherwise available for use by the contractor and subcontractors, the contractor and subcontractors must not pay less than the federal minimum wage rate that most closely approximates the duties of the employees/workers in question.

The Director of the Department of Industrial Relations has determined the general prevailing rate of per diem wages in the locality in which this work is to be performed for each craft or type of worker needed to execute the

Contract which will be awarded to the successful bidder, copies of which are on file and will be made available to any interested party upon request at the Authority's offices or online at <http://www.dir.ca.gov/dlsr>. A copy of these rates shall be posted by the successful bidder at the job site. The successful bidder and all subcontractor(s) under him, shall comply with all applicable Labor Code provisions, which include, but are not limited to the payment of not less than the required prevailing rates to all workers employed by them in the execution of the Contract, the employment of apprentices, the hours of labor and the debarment of contractors and subcontractors.

Caltrans has made available Notices of Suspension and Proposed Debarment from the Federal Highway Administration. For a copy of the notices, go to http://www.dot.ca.gov/hq/esc/oe/contractor_info/susp_notices.html. Additional information is provided in the Excluded Parties List System at www.sam.gov.

The U.S. Department of Transportation ("DOT") provides a toll-free "hotline" service to report bid rigging activities. Bid rigging activities can be reported Mondays through Fridays, between 8:00 a.m. and 5:00 p.m., Eastern Time, Telephone No. 1-800-424-9071. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report these activities. The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

Only registered plan holders may protest this solicitation process. Submit all solicitation process protests in writing before the deadline stated below along with a \$2,500 protest fee. The submitted protest fee shall be made payable to the "Contra Costa Transportation Authority." The protest fee will be refunded to you only if the protest is upheld by the Authority. Written protests with the \$2,500 protest fee must be addressed to Randell H. Iwasaki, Executive Director, Contra Costa Transportation Authority, 2999 Oak Road, Suite 100, Walnut Creek, CA 94597.

You may protest the terms of this solicitation on the grounds that:

- (a) a material provision is ambiguous,
- (b) any aspect of the procurement process is contrary to express legal requirements under this procurement, or
- (c) this solicitation in whole or in part exceeds the Authority's authority.

Protests regarding this solicitation may be filed only after the registered plan holder has informally discussed the nature and basis of the protest with the Authority's Project Manager, Ivan Ramirez (925-256-4737), in an effort to remove the grounds for protest. Any protest regarding this solicitation must completely and clearly state the grounds for protest and include all factual and legal documentation in sufficient detail to establish the merits of the protest. Protests regarding this solicitation must be filed as soon as the basis for protest is known to you, but no later than five (5) business-days before the deadline for receipt of bids. No hearing will be held on the protest, but it will be decided, based on the written submissions, by the Contra Costa Transportation Authority Executive Director, whose decision will be final and conclusive. The Executive Director may, but need not, request other registered plan holders submit statements or arguments regarding the protest and may, in his/her sole and absolute discretion, discuss the protest with the protestant. A decision regarding any protest shall be in writing and, if necessary, appropriate revisions to this solicitation may be made by issuing addenda.

Failure to raise a ground for a protest regarding this solicitation will preclude consideration of that ground in any protest of a selection unless such ground was not and could not have been known to you in time to protest before the final date for such protests. The written decision on a protest will be made available to all registered plan holders. The Authority may extend the deadline for final receipt of bids to address any such protest issues.

An inadvertent error in listing a subcontractor in a bid proposal who is not registered pursuant to Labor Code section 1725.5 will not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply:

- a) 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 specified in subparagraph (E) of paragraph (2) of subdivision (a) of Labor Code section 1725.5.
- c) Subcontractor is replaced by another registered subcontractor pursuant to Public Contract Code section 4107.

Labor compliance oversight will be conducted by the Department of Industrial Relations, Division of Labor Standards Enforcement, Compliance Monitoring Unit (CMU). You must comply with the CMU requirements under Section 1771.3 of the Labor Code and Subchapter 4.5 of Chapter 8 of Title 8 of the California Code of Regulations. It is your sole responsibility in submitting a bid to evaluate and include the cost of complying with all labor compliance requirements under the contract and applicable law in the bid amount.

If you are awarded a contract, you will be required to furnish the Authority with payment and performance bonds each equal to 100% of the total bid.

Pursuant to Public Contract Code Section 22300, you may substitute certain securities for funds withheld by the Authority to ensure your performance under the contract.

Award of Contract: The Authority will award the Contract for the work to the lowest responsible bidder submitting a responsive bid as determined from the base bid alone by the Authority. The Authority reserves the right to reject any or all bids or to waive any irregularities or informalities in any bids or in the bidding process.

Based on the totality of the circumstances concerning the Project, the successful bidder and its employees are subject to the requirements of Education Code section 45125.2 because they will have contact other than limited contact with students. In accordance with Education Code section 45125.2 the successful bidder shall, at its own expense, require any employee of the bidder potentially having contact with students to obtain fingerprint clearance as described in Education Code section 45125.1. Prior to commencing work on the Project, the successful bidder shall submit the required Tuberculosis certification and criminal background and fingerprinting certification on forms provided by the Authority via the West Contra Costa Unified School District ("District"). The District forms are attached as Exhibit "A" to the Contract Form.

BY THE ORDER OF THE CONTRA COSTA TRANSPORTATION AUTHORITY:

Randell H. Iwasaki, Executive

