

**COUNTY OF EL DORADO, CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN

By the County of El Dorado, State of California, that sealed bids for work in accordance with the Project Plans (Plans) and Contract Documents designated:

**CHRISTMAS VALLEY PHASE 2A EROSION CONTROL PROJECT
CONTRACT NO. 95159**

will be received at the El Dorado County Department of Transportation in South Lake Tahoe, California, at 924B Emerald Bay Road, until **August 21, 2009, at 2:00 p.m.**, at which time bids will be publicly opened and read by the El Dorado County Department of Transportation.

No Bid may be withdrawn after the time established for receiving bids or before the award and execution of the Contract, unless the award is delayed for a period exceeding sixty (60) calendar days. Bids shall be executed in accordance with the instructions given and forms provided in the bound Contract Documents furnished by the El Dorado County Department of Transportation. The Proposal shall not be detached and shall be submitted with the Contract Documents bid package in its entirety. All bids must be clearly marked on the envelope:

**“PROPOSAL FOR THE
CHRISTMAS VALLEY PHASE 2A EROSION CONTROL PROJECT
CONTRACT NO. 95159
TO BE OPENED AT 2:00 P.M., August 21, 2009”**

LOCATION/DESCRIPTION OF THE WORK

The Project area is located in eastern El Dorado County, in the Tahoe Basin, east of the Upper Truckee River, and east of State Route 89. The Project area includes portions of the Tahoe Paradise Unit Nos. 51, 52, and 57 and Sierra Park 2 Subdivisions.

The Work to be done is shown on the Plans, and generally consists of, but is not limited to:

- A. Construction of erosion control improvements including sediment traps, culverts, and drainage channels. These improvements are proposed for construction on the following streets: Pinewood Drive, Lindenwood Drive, Cornelian Drive, Pomo Street, Cebo Circle, Keetak Street, Wasabe Drive, and Blitzen Road. Other items or details not mentioned above, that are required by the Plans, Standard Specifications, or these Special Provisions, shall be performed, constructed, or installed.
- B. Bids are required for the entire Work described herein.
- C. The contract time shall be **FORTY (40) WORKING DAYS**.
- D. For bonding purposes the anticipated project cost is less than \$650,000.
- E. A non-mandatory pre-bid meeting will be held at the El Dorado County Department of Transportation in South Lake Tahoe, California, at 924B Emerald Bay Road at 2:00 P.M. on August 14, 2009.

OBTAINING OR INSPECTING CONTRACT DOCUMENTS

The Contract Documents and Plans may be examined at the El Dorado County Department of Transportation or may be purchased in person or by mail from the Department of Transportation, 924B Emerald Bay Road, South Lake Tahoe, California 96150. The purchase price of each set of Contract Documents and Plans is SEVENTY dollars (\$70.00) for each set and is non-refundable. To receive Contract Documents and Plans by mail, send request and payment prior to shipping and include an additional TEN dollars (\$10.00), for a total of EIGHTY dollars (\$80.00), to include shipping and handling.

CONTRACTOR'S LICENSE CLASSIFICATION

Bidders shall be properly licensed to perform the Work pursuant to the Contractors' State License Law (Business and Professions Code section 7000 et seq.) and shall possess a **CLASS A** license or equivalent combination of Classes required by the categories and type of Work included in the Contract Documents and Plans at the time the Contract is awarded, and shall maintain a valid license through completion and acceptance of the Work including guarantee and acceptance period. If the Contractor possesses a Class A license instead of the equivalent combination of Classes required by the categories and type of work included in the Contract Documents and Plans, then the Contractor or a subcontractor must also possess a **CLASS C27** "Landscaping Contractor" license. Failure of the successful Bidder to obtain proper and adequate licensing for an award of the Contract shall constitute a failure to execute the Contract, and shall result in forfeiture of the Bidder's security.

BUSINESS LICENSE

The County Business License Ordinance provides that it is unlawful for any person to furnish supplies or services, or transact any kind of business in the unincorporated territory of El Dorado County without possessing a County business license unless exempt under County Ordinance Code Section 5.08.070. The Bidder to whom an award is made shall comply with all of the requirements of the County Business License Ordinance, where applicable, prior to beginning work under this Contract and at all times during the term of this Contract.

REQUIRED LISTING OF PROPOSED SUBCONTRACTORS

Each Proposal shall have listed therein the name and address of each subcontractor, to whom the Bidder proposes to subcontract portions of the Work in an amount in excess of ½ of one percent of his total bid or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code. The Bidder shall also include in the Subcontractor Listing the work portion to be performed by each subcontractor listed. The work portion shall be shown by listing the bid item number, description, and percentage of each bid item subcontracted. The percentage of each bid item subcontracted may be submitted with the Bidder's bid or sent via email or fax to Donald Palaroan, El Dorado County Department of Transportation, email-dpalaroan@co.el-dorado.ca.us, fax-(530) 541-7049 by 4:00 P.M. on the first business day after the bid opening. The email or fax shall contain the name of each subcontractor submitted with the Bidder's bid along with the percentage of each bid item subcontracted. At the time of award, all listed subcontractors shall be properly licensed to perform their designated work. The Bidder's attention is invited to other provisions of the Act related to the imposition of penalties for a failure to observe its provisions by using unauthorized subcontractors or by making unauthorized substitutions.

BUY AMERICA

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.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

Bidders are advised that, as required by federal law, the State of California has established a statewide overall DBE goal. This County Federal-aid contract is considered to be part of the statewide overall DBE goal. The County is required to report to Caltrans on DBE participation for all Federal-aid contracts each year so that attainment efforts may be evaluated.

The County of El Dorado affirms that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation.

Bidder will take all necessary affirmative steps to assure that minority firms, women's business enterprises and labor surplus are firms are used when possible. Pursuant to 7 CFR Part 3016.36(e)(2)(v), Bidder is required to utilize the services and assistance of the U.S. Small Business Administration, San Francisco District Office, Minority Enterprise Development Division, 455 Market Street, Sixth Floor, San Francisco, California 94105, Attn: Julie, Telephone - (415) 744-6808, and the U.S. Department of Commerce, Minority Business Development Agency, 221 Main Street, Suite 1280, San Francisco, California 94105, Telephone - (415) 744-3001, for assistance in locating DBE firms.

A "LOCAL AGENCY BIDDER – DBE INFORMATION" form will be included in the Contract Documents to be executed by the successful bidder. The purpose of the form is to collect data required under 49 CFR 26. Even if no DBE participation will be reported, the successful bidder must execute and return the form.

NONDISCRIMINATION

Attention is directed to the following Notice that is required by Chapter 5 of Division 4 of Title 2, California Code of Regulations.

NOTICE OF REQUIREMENT FOR NONDISCRIMINATION PROGRAM (GOVERNMENT CODE SECTION 12990)

Attention is further directed to the "Nondiscrimination Clause", set forth in Section 7-1.01A(4), "Labor Nondiscrimination," of the Standard Specifications, which is applicable to all nonexempt State contracts and subcontracts, and to the "Standard California Nondiscrimination Construction Contract Specifications" set forth therein. The specifications are applicable to all nonexempt State construction contracts and subcontracts of \$5,000 or more.

This Contract is subject to federal and state contract nondiscrimination and compliance requirements including Government Code, Section 12990, and shall be construed and interpreted in compliance with said provisions.

The Department of Transportation hereby notifies all Bidders that it will affirmatively insure that in any Contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for the award.

PREVAILING WAGE REQUIREMENTS

A. In accordance with the provisions of California Labor Code Sections 1770 et seq., including but not limited to sections 1773, 1773.1, 1773.2, 1773.6, and 1773.7, the general prevailing rate of wages in the County in which the Work is to be done has been determined by the Director of the California Department of Industrial Relations. These wage rates appear in the California Department of Transportation publication entitled General Prevailing Wage Rates. Interested parties can obtain the current wage information by submitting their requests to the Department of Industrial Relations, Division of Labor Statistics and Research, PO Box 420603, San Francisco CA 94142-0603, Telephone (415) 703-4708, or by referring to the website at <http://www.dir.ca.gov/DLSR/PWD>. The rates at the time of the bid advertisement date of a project will remain in effect for the life of the project in accordance with the California Code of Regulations, as modified and effective January 27, 1997.

B. Copies of the general prevailing rate of wages in the County in which the Work is to be done are also on file at the Department of Transportation's principal office, and are available upon request, and in the case of projects involving federal funds, federal wage requirements have been included in the Contract Documents.

C. In the case of federally funded projects, where federal and state prevailing wage requirements apply, compliance with both is required. This project is funded in whole or in part by federal funds. The Contractor's attention is directed to Section 14 of these Specifications and the requirements of, and compliance with, the Copeland Act (18 U.S.C. 874 and 29 CFR Part 3), the Davis-Bacon Act (40 U.S.C. 276a to 276a-7 and 29 CFR Part 5), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330 and 29 CFR Part 5).

D. In accordance with the provisions of Labor Code 1810, eight (8) hours of labor shall constitute a legal day's work upon all work done hereunder, and Contractor and any subcontractor employed under this Contract shall conform to and be bound by the provisions of Labor Code Sections 1810 through 1815.

If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and 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 shall pay not less than the higher wage rate. The Department will 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 shall pay not less than the Federal minimum wage rate which most closely approximates the duties of the employees in question.

BID SECURITY

A bid security shall be provided with each bid. A bid security shall be in an amount of not less than ten percent (10%) of the total amount of the Bid and shall be cash, a certified check, or cashier's check drawn to the order of the County of El Dorado or a Bidder's Bond executed by a surety satisfactory to the County of El Dorado and shall be on the form provided in the Proposal section of these Contract Documents (do not detach the form).

BID PROTEST PROCEDURE

The protest procedure is intended to handle and resolve disputes related to the bid award for this project pursuant to Title 7 Code of Federal Regulations Chapter XXX Part 3016 and County of El Dorado policies and procedures. A protestor must exhaust all administrative remedies with the County of El Dorado before pursuing a protest with a Federal Agency. Reviews of protests by the Federal agency will be limited to:

- (i.) Violations of Federal law or regulations and the standards of 7 CFR Chapter XXX Part 3016. Violations of State of California or local law will be under the jurisdiction of the State of California or the County of El Dorado; and
- (ii.) Violation of the County of El Dorado's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the County of El Dorado.

The protest procedure is an extension of the formal bid process and allows those who wish to protest the recommendation of an award after bid the opportunity to be heard. This procedure is available after the informal methods have failed to reach a solution.

Policy: Upon completion of the bid evaluation and concurrently with recommendation by the Department of Transportation to the Board of Supervisors for award, the Department of Transportation shall notify all bidders of the recommendation of award, the basis therefore, and the date and time on which the recommendation for award will be considered and acted upon by the Board of Supervisors. All bidders may attend the Board of Supervisors meeting at the time the agenda item is considered, address the Board of Supervisors and be heard.

Procedure: If a bidder wishes to protest the award, the procedure shall be as follows:

1. The Department of Transportation will review the bids received in a timely fashion under the terms and conditions of the Notice to Bidders, and notify the bidders in writing, at the address designated in the bid, of its recommendation including for award or rejection of bids ("All Bidders Letter").
2. Within five (5) working days from the date of the "All Bidders Letter," the bidder protesting the recommendation for award shall submit a letter of protest to the Department of Transportation, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, and state in detail the basis and reasons for the protest. The bidder must provide facts to support the protest, including any evidence it wishes to be considered, together with the law, rule, regulation, or criteria on which the protest is based.
3. If the Department of Transportation finds the protest to be valid, it may modify its award recommendations and notify all bidders of that decision. If the Department of Transportation does not agree with the protest, or otherwise fails to resolve the protest, the Department of Transportation will notify the bid protestor and all interested parties of its decision and the date and time that the recommendation for award will be agendized for the Board of Supervisors' consideration and action. The Department of Transportation shall also include in its report the details of the bid protest.
4. The bidder may attend the Board of Supervisors meeting at which the recommendation and bid protest will be considered. In the event that the bidder is not in attendance at that time, the bid protest may be dismissed by the Board of Supervisors without further consideration. If the bidder is in attendance, the Board of Supervisors will take comment from the bidder, staff, and members of the public who wish to speak on the item.

At its discretion, the County of El Dorado may accept or reject any bids. The decision of the Board of Supervisors shall be final in accepting or rejecting the bid protest, awarding the bid, or rejecting any or all bids.

AWARD OF CONTRACT

Bids will be considered for award by the Board of Supervisors. The County of El Dorado reserves the right after opening bids to reject any or all bids, to waive any irregularity in a bid, or to make award to the lowest responsive, responsible Bidder and reject all other bids, as it may best serve the interest of the County. As a condition of award, the successful Bidder will be required to submit bonds and evidence of insurance prior to execution of the Agreement by the County. Failure to meet this requirement shall constitute abandonment of the Bid by the Bidder and forfeiture of the Bidder's security. Award will then be made to the next lowest responsible Bidder.

RETAINAGE FROM PAYMENTS

Provided that federal regulations and policies applying to this Contract allow for substitution, the Contractor may elect to receive one hundred percent (100%) of payments due under the Contract from time to time, without retention of any portion of the payment by the County, by depositing securities of equivalent value with the County in accordance with the provisions of Section 22300 of the Public Contract Code. Securities eligible for deposit hereunder shall be limited to those listed in Section 16430 of the Government Code, or bank or savings and loan certificates of deposit.

PROJECT ADMINISTRATION

All communications relative to the Contract Documents and Plans shall be directed to Donaldo Palaoan at the El Dorado County Department of Transportation, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, telephone: (530) 573-7920 dpalaoan@co.el-dorado.ca.us. No oral responses to any questions concerning the content of the Plans and Contract Documents will be given. All responses will be in the form of written addenda to the Contract Documents and Plans or written responses to bidders' inquiries. Responses and addenda will be posted on the Department of Transportation website at www.co.el-dorado.ca.us/DOT/bids.html. It is the Bidders' responsibility to check this website for responses and addenda during the bid period.

BY ORDER OF the Director of the Department of Transportation, County of El Dorado, State of California.

Authorized by the Board of Supervisors on July 28, 2009 at Placerville, California.

By 
James W. Ware, P.E.
Director of Transportation