

City of Oakley
ADDENDUM NO. 1 to contract documents for
FY 2016/2017 TRAFFIC SIGNAL MODERNIZATION
PROJECT, CIP # 192

BID OPENING DATE: March 23, 2017 2:00 PM

Notice is hereby given that the following clarifications and revisions are made to the above referenced contract documents:

Updates to the Specifications:

Specifications Part 2

Project is locally funded and does have a DBE goal. Revised specifications to remove DBE requirements and Caltrans Standard Specifications pertaining to federally funded project requirements for the following sections:

- Section 1-1.10 (pages 3 & 4)
- Section 2-1.09 (pages 7, 8, & 9)
- Section 2-1.10 (page 9)
- Section 2-1.11 (page 9)
- Section 3-1.01 (page 10)
- Section 3-1.06 (page 11)
- Section 5-1.03 (page 16)
- Section 5-1.04 (pages 17 & 18)

All bidders shall acknowledge receipt and acceptance of Addendum No. 1 by signing in the space provided at the end of this Addendum and submitting the signed addendum with their proposal.



Billilee Saengchalern
Associate Engineer
March 2, 2017

Contractor Signature

Date

Company Name

1-1.04 STATEMENT OF WORK

Furnish all labor, equipment and materials and perform all work called for in the Contract Documents and as necessary to furnish to the City a complete project ready for use.

1-1.05 DRAWINGS

Five sets of the Contract Drawings and Specifications will be furnished without charge to the Contractor to whom the contract for the work is awarded. Additional sets will be furnished to Contractor on request, at the cost of reproduction. The work shall conform to the drawings which shall form a part of these Specifications, and are available at the Office of the Director of Public Works & Engineering at 3231 Main Street, Oakley, California, 94561.

1-1.06 BUSINESS LICENSE

All Contractors, whether they be general Contractors or subcontractors shall acquire a Business License in conformance with Title 3, Section 5 = 3.5.002 of the Oakley Municipal Code.

1-1.07 MINORITY AND WOMEN BUSINESS ENTERPRISES

City of Oakley encourages the participation of Minority and Women Business Enterprises in the bidding process for all City contracts. Any reference using the word "his" is to be construed as meaning "his, hers or its".

1-1.08 PROOF OF COMPETENCY OF BIDDER

Any bidder may be required to furnish evidence satisfactory to Owner that he/she and his/her proposed subcontractors have sufficient means and experience in the type of work called for to insure completion of the contract in a satisfactory manner.

1-1.09 SPECIAL NOTICE

Bidders are required to inform themselves fully of the conditions relating to construction and labor under which the work will be or is now performed, and, so far as possible, the successful bidder must employ such methods and means in carrying out his/her work as will not cause any interruption or interference with any other Contractor.

1-1.10 GENERAL PREVAILING WAGE RATES, EQUIPMENT RENTAL RATES, AND LABOR SURCHARGE

Attention is directed to Section 7-1.01A(2), "Prevailing Wage," of the Standard Specifications. The Contractor must pay the higher of the State general prevailing wage or the Federal minimum wage rates.

Current Federal minimum wage rates can be found at the following website:

<http://www.gpo.gov/davisbacon/>

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in Contra Costa County have been determined by the Director of the California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project. Current prevailing wage rates can be found in "General Prevailing Wage Determinations made by the Director of Industrial Relations" (wage determinations) at the Division of Labor Statistics and Research, Prevailing Wage Unit, P. O. Box 420603, San Francisco, CA 94142, (415) 703-4774, or at DIRs website at http://www.dir.ca.gov/DLSR/statistics_research.html

The labor surcharge, equipment rental rates, and the right-of-way delay factors for each

classification of equipment are listed in the Department of Transportation publication entitled "Labor Surcharge and Equipment Rental Rates." All references in the Standard Specifications to labor surcharge, equipment rental rates, or right-of-way delay factors set forth, listed or shown in the Department of Transportation publication entitled "Equipment Rental Rates and General Prevailing Wage Rates" shall be deemed to mean the labor surcharge, equipment rental rates, and right-of-way delay factors listed in the department's publication entitled "Labor Surcharge and Equipment Rental Rates."

Whenever in these special provisions attention is directed to specific portions of the standard specifications, such direction is not exclusive and shall not be interpreted as excluding other applicable provisions of said specifications. When sections and subsections of the standard specifications are used in these special provisions, such use is not exclusive and shall not be interpreted as excluding other applicable provisions of said specifications.

2-1.09 DISADVANTAGED BUSINESS ENTERPRISES (DBE) (CT Stnd Spec 2-1.12)

The DBE Contract goal is 7%.

Under 49 CFR 26.13(b):

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26).

To ensure equal participation of DBEs provided in 49 CFR 26.5, the Agency shows a goal for DBEs.

Make work available to DBEs and select work parts consistent with available DBE subcontractors and suppliers.

Meet the DBE goal shown elsewhere in these special provisions or demonstrate that you made adequate good faith efforts to meet this goal.

It is your responsibility to verify that the DBE firm is certified as DBE at date of bid opening. For a list of DBEs certified by the California Unified Certification Program, go to: http://www.dot.ca.gov/hq/bep/find_certified.htm.

All DBE participation will count toward the California Department of Transportation's federally mandated statewide overall DBE goal.

Credit for materials or supplies you purchase from DBEs counts towards the goal in the following manner:

- 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.
- 60 percent counts if the materials or supplies are obtained from a DBE regular dealer.
- Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer nor regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit towards the goal if you employ a DBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55(d)(1) through (4) and (6).

a. DBE Commitment Submittal

Submit the Exhibit 15-G *Local Agency Bidder DBE Commitment (Construction Contracts)* form, included in the Bid book. If the form is not submitted with the bid, remove the form from the Bid book before submitting your bid.

If the DBE Commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the DBE Commitment form to

the Agency. DBE Commitment form must be received by the Agency no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders do not need to submit the DBE Commitment form unless the Agency requests it. If the Agency requests you to submit a DBE Commitment form, submit the completed form within 4 business days of the request.

Submit written confirmation from each DBE stating that it is participating in the contract. Include confirmation with the DBE Commitment form. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract.

If you do not submit the DBE Commitment form within the specified time, the Agency will find your bid nonresponsive.

b. Good Faith Efforts Submittal

If you have not met the DBE goal, complete and submit the DBE Information – Good Faith Efforts, Exhibit 15-H, form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed towards obtaining participation by DBEs will be considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Agency no later than 4:00 p.m. on the 4th business day after bid opening.

If your DBE Commitment form shows that you have met the DBE goal or if you are required to submit the DBE Commitment form, you must also submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Agency finds that the DBE goal has not been met.

Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to DBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
2. Names of certified DBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
3. Name of selected firm and its status as a DBE for each item of work made available. Include name, address, and telephone number of each DBE that provided a quote and their price quote. If the firm selected for the item is not a DBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested DBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents.

6. List of efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the DBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the DBE assisted, nature of the assistance offered, and date assistance was provided. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.

The Agency may consider DBE commitments of the 2nd and 3rd bidders when determining whether the low bidder made good faith efforts to meet the DBE goal.

2-1.10 BID OPENING (CT Std Spec 2-1.43)

The Agency publicly opens and reads bids at the time and place shown on the Notice to Bidders.

2-1.11 BID RIGGING (CT Std Spec 2-1.50)

The U.S. Department of Transportation (DOT) provides a toll-free hotline to report bid rigging activities. Use the hotline to report bid rigging, bidder collusion, and other fraudulent activities. The hotline number is

(800) 424-9071. The service is available 24 hours 7 days a week and is confidential and anonymous. The hotline is part of the DOT's effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General.

Section 3

AWARD AND EXECUTION OF CONTRACT

3-1.01 GENERAL

The bidder's attention is directed to the provisions in Section 3, "Contract Award and Execution," of the Standard Specifications and these special provisions for the requirements and conditions concerning award and execution of contract.

~~Exhibit 15-G – Local Agency Bidder DBE Information (Construction Contracts)~~

~~Complete and sign Exhibit 15-G Local Agency Bidder DBE Commitment (Construction Contracts) included in the contract documents regardless of whether DBE participation is reported.~~

~~Provide written confirmation from each DBE that the DBE is participating in the Contract. A copy of a DBE's quote serves as written confirmation. If a DBE is participating as a joint venture partner, the Agency encourages you to submit a copy of the joint venture agreement.)~~

~~The "Local Agency Bidder DBE Information (Construction Contracts), Exhibit 15-G(2)" form shall be completed and returned to the Agency by the successful bidder with the executed contract and contract bonds.~~

3-1.02 AWARD OR REJECTION OF BIDS

The Contract, if awarded, will be awarded to the lowest responsible bidder whose proposal complies with all the requirements prescribed and is subject to Owner's right to reject any or all bids and to waive any informality in the bids or the bidding.

3-1.03 PERFORMANCE BOND AND LABOR AND MATERIALS BOND

At or prior to the delivery of the signed Agreement, Contractor shall deliver to Owner the Performance Bond and Labor and Materialperson's Bond as are required by Section 2 of these Specifications. All bonds shall be on forms provided by Owner, and each shall be in an amount equal to 100% of the contract price. Contractor shall also provide, at the time of the execution of the agreement or contract for work, and at his own expense, a separate surety bond in an amount equal to at least fifty percent (50%) of the contract price as security for the payment of all persons performing labor and furnishing materials in connection with said agreement. Sureties on each of said bonds shall be satisfactory to the City Attorney.

All bonds shall be approved by the City Attorney of the City of Oakley before the successful bidder may proceed with the Work. Failure or refusal to furnish bonds in the form satisfactory to the Director of Public Works & Engineering of the City of Oakley shall subject the bidder to penalties for delay in commencement of the Work or revocation of the Award of Contract.

Pursuant to California Public Contract Code §22300, the Contractor will be permitted, at its request and sole expense, to substitute securities for any monies withheld by the City to ensure performance under the contract. Said securities will be deposited either with the City or with the state or federally chartered bank as escrow agent. Securities eligible for this substitution are those listed in California Government Code §16430 or bank or savings and loan certificate of deposit, interest bearing demand deposit accounts, standby letters of credit, or any other mutually agreed to by Contractor and the Owner. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any interest thereon.

3-1.04 EXECUTION OF AGREEMENT

The form of agreement which the successful bidder, as Contractor, will be required to execute is included in the Contract Documents and must be carefully examined by each bidder. The bidder to whom the Contract is awarded by Owner shall, within 10 calendar days after *Notice of Award*, execute and deliver to Owner 2 original Agreements.

3-1.05 NOTIFICATION BY CONTRACTOR

- A. The Contractor shall notify the Director of Public Works & Engineering and the project inspector at least 48 hours prior to commencing work and shall comply with any Notifications or approvals mentioned in Part III of these Specifications.
- B. Immediately after the award of Contract by the City of Oakley and where applicable and required by the Plans and Specifications, the Contractor shall notify the following agencies:

U.S.A. Cable Locator
(Notify two weeks prior)
Telephone: (800) 227-2600

Pacific Gas and Electric
Rex Meneses
Sr. New Business Rep
R3MY@pge.com
(925) 779-7783

Sefnco/Comcast
Chad Clark
Project Manager
cclark@sefnco.com
(925) 280-4386

AT&T
Kevin Bluth
Engineer
kb8478@att.com
(925) 328-6820

Ironhouse Sanitary District
Chad Davisson
Manager
davisson@isd.us.com
(925) 625-2279

Diablo Water District
Mike Yeraka
General Manager
mikegm1@aol.com
(925) 625-3798

- C. Contractor shall notify residents and business owners adjacent to the Work, by method approved by the Director of Public Works & Engineering, not sooner than 14 days and not later than 3 days prior to beginning said work.

3-1.06 CONTRACTOR LICENSE (CT Std Spec 3-1.06)

The Contractor must be properly licensed as a contractor from contract award through Contract acceptance (Public Contract Code § 10164).

Section 5 CONTROL OF WORK

5-1.01 CONTROL OF WORK

The bidder's attention is directed to the provisions of Section 5 of the Standard Specifications, all of which are applicable to this Contract.

5-1.02 INTERPRETATION OF DRAWINGS AND DOCUMENTS PRIOR TO BIDDING

If any person contemplating submitting a bid for the construction of the Project is in doubt as to the true meaning of any part of the Plans, Specifications, or other Contract Documents, or finds discrepancies in, or omissions from the Plans or Specifications, he/she may submit to Owner a written request for an interpretation or correction thereof not later than 5 working days before the date bids will be opened. The person submitting the request will be responsible for its prompt delivery. Any interpretation or correction of the Contract Documents will be made only by addendum and will be mailed or delivered to each person receiving a set of such documents. Owner will not be responsible for any other explanation or interpretation of the Contract Documents.

~~5-1.03 SUBCONTRACTOR AND DISADVANTAGED BUSINESS ENTERPRISE RECORDS~~

~~Use each DBE subcontractor as listed on Exhibit 12-B Bidder's List of Subcontractors (DBE and Non-DBE) and Exhibit 15-G Local Agency Bidder DBE Commitment (Construction Contracts) form unless you receive authorization for a substitution.~~

~~The Agency requests the Contractor to:~~

- ~~1. Notify the Engineer of any changes to its anticipated DBE participation~~
- ~~2. Provide this notification before starting the affected work~~
- ~~3. Maintain records including:~~
 - ~~Name and business address of each 1st-tier subcontractor~~
 - ~~Name and business address of each DBE subcontractor, DBE vendor, and DBE trucking company, regardless of tier~~
 - ~~Date of payment and total amount paid to each business~~

~~If you are a DBE contractor, include the date of work performed by your own forces and the corresponding value of the work.~~

~~Before the 15th of each month, submit a Monthly DBE Trucking Verification form.~~

~~If a DBE is decertified before completing its work, the DBE must notify you in writing of the decertification date. If a business becomes a certified DBE before completing its work, the business must notify you in writing of the certification date. Submit the notifications. On work~~

completion, complete a Disadvantaged Business Enterprises (DBE) Certification Status Change, Exhibit 17-O, form. Submit the form within 30 days of contract acceptance.

Upon work completion, complete Exhibit 17-F Final Report—Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors. Submit it within 90 days of contract acceptance. The Agency will withhold \$10,000 until the form is submitted. The Agency releases the withhold upon submission of the completed form.

5-1.04 PERFORMANCE OF DISADVANTAGED BUSINESS ENTERPRISES (CT Std Spec 5-1.13B(2))

DBEs must perform work or supply materials as listed in the Exhibit 15-G *Local Agency Bidder DBE Commitment (Construction Contracts)* form, included in the Bid.

Do not terminate or substitute a listed DBE for convenience and perform the work with your own forces or obtain materials from other sources without authorization from the Agency.

The Agency authorizes a request to use other forces or sources of materials if it shows any of the following justifications:

1. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the project.
2. You stipulated that a bond is a condition of executing the subcontract and the listed DBE fails to meet your bond requirements.
3. Work requires a contractor's license and listed DBE does not have a valid license under Contractors License Law.
4. Listed DBE fails or refuses to perform the work or furnish the listed materials.
5. Listed DBE's work is unsatisfactory and not in compliance with the contract.
6. Listed DBE is ineligible to work on the project because of suspension or debarment.
7. Listed DBE becomes bankrupt or insolvent.
8. Listed DBE voluntarily withdraws with written notice from the Contract
9. Listed DBE is ineligible to receive credit for the type of work required.
10. Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Contract.
11. Agency determines other documented good cause.

Notify the original DBE of your intent to use other forces or material sources and provide the reasons. Provide the DBE with 5 days to respond to your notice and advise you and the Agency of the reasons why the use of other forces or sources of materials should not occur. Your request to use other forces or material sources must include:

1. One or more of the reasons listed in the preceding paragraph
2. Notices from you to the DBE regarding the request
3. Notices from the DBEs to you regarding the request

If a listed DBE is terminated or substituted, you must make good faith efforts to find another DBE to substitute for the original DBE. The substitute DBE must perform at least the same amount of work as the original DBE under the contract to the extent needed to meet the DBE goal.

The substitute DBE must be certified as a DBE at the time of request for substitution.

Unless the Agency authorizes (1) a request to use other forces or sources of materials or (2) a good faith effort for a substitution of a terminated DBE, the Agency does not pay for work listed on the Exhibit 15-G *Local Agency Bidder DBE Commitment (Construction Contracts)* form unless it is performed or supplied by the listed DBE or an authorized substitute.

5-1.05 PROMPT PAYMENT OF FUNDS WITHHELD TO SUBCONTRACTORS

The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency, of the contract work, and pay retainage to the prime contractor based on these acceptances. The prime contractor, or subcontractor, shall return all monies withheld in retention from a subcontractor within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Federal law (49CFR26.29) requires that any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of this provision shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.