CITY OF SAN LEANDRO
STATE OF CALIFORNIA

ENGINEERING AND TRANSPORTATION DEPARTMENT

NOTICE TO BIDDERS

FOR

ANNUAL STREET SEALING 2009-10
PROJECT NO. 09-144-38-307

1. BID OPENING: The bidder shall complete and **submit the blue copy** of the "Proposal to the City of San Leandro" form that is inserted in the Contract Book. No other copy of the Proposal Section will be accepted. Sealed bids containing said blue copies of the completed Proposal Section subject to the conditions named herein and in the specifications for **Annual Street Sealing 2009-10, Project No. 09-144-38-307** addressed to the **City of San Leandro** will be received at **City Hall, 835 East 14th Street, 2nd Floor San Leandro** at the office of the **City Clerk** up to **2:00 p.m.** on **Thursday, July 8, 2010**, at which time they will be publicly opened and read.

2. BID RESULTS: A summary of the bids received will be made available, via the Internet, at: **www.ci.san-leandro.ca.us/slpurchasingbids.html.**

3. WORK DESCRIPTION: The work to be done consists of applying asphalt rubber chip seal and/or slurry seal on City streets, and doing all appurtenant work in place and ready for use, all as shown on the plans and described in the specifications with the title indicated in Paragraph 1 above, and on file in the office of the **Engineer.** Reference to said plans and specifications is hereby made for further particulars.

4. CONTRACTOR'S LICENSE: A Class **"A" or "C12"** Contractor's License is required for this work. No bid will be accepted from a contractor who has not been licensed in accordance with Chapter 9 Division 3 of the Business and Professional Code.

5. BID DEPOSIT: A Bid Deposit equal to at least 10% of the total amount of the bid shall be placed in the sealed proposal. The Bid Deposit shall be in one of the following forms: cash, cashier's check or certified check payable to the City, or bidder's bond in favor of the City executed by an authorized surety company.

6. PAYMENT AND PERFORMANCE BONDS: Payment and performance guarantee bonds as set forth in Section 2-4 of the Special Provisions will be required from the successful bidder.

7. CITY'S RIGHT TO REJECT BIDS: The right is reserved, as the interest of the City may require, to reject any or all bids, or to waive any informality or minor irregularity in the bids.

8. GENERAL PREVAILING WAGE RATES: The City Council has ascertained the general prevailing rate of wages applicable to the work to be done. A tabulation of the various classifications of work persons to be employed and the prevailing rate of wages applicable thereto is on file in the **City Clerk's** office. Bidder's attention is directed to Section 7-2.2.2 of the Special Provisions.

9. OBTAINING THE PROJECT PLANS AND CONTRACT BOOK: The Project Plans and Contract Book may be purchased at the **Kiosk Counter** of the Community Development Department, City Hall, 835 East 14th Street, 1st Floor, San Leandro, **(510) 577-3423,** upon payment of a non-refundable fee of **$25.00 (payable by exact cash or check only)** for each set. This fee applies to pick-ups by Purchaser and to FedEx Shipments (at Purchaser's expense). For an additional non-refundable fee of **$30.00** (to cover postage and handling), the Project Plans and the Contract Book will be mailed, via U.S. Mail, to the prospective bidders.

10. OBTAINING THE APWA STANDARD SPECIFICATIONS (GREEN BOOK): The APWA Standard Specifications (Greenbook) may be purchased by contacting BNI Building News, 1612 South Clementine Street, Anaheim, CA 92802, (714) 517-0970 or (888) 264-2665.

11. WITHDRAWAL OF PROPOSALS: Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request for the withdrawal of the bid filed with the **City Clerk.** The request shall be executed by the bidder or its duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid will not be received after that time nor may any bid be withdrawn after the time fixed in the public notice for opening of bids.

12. RELIEF OF BIDDERS: As stated in Public Contract Code Sections 5100 to 5108, inclusive concerning relief of bidders and in particular to the requirement therein, that if the bidder claims a mistake was made in the bid presented, the bidder shall give the **City Clerk,** written notice within five (5) days after the opening of the bids of the alleged mistake, specifying in the notice in detail how the mistake occurred.

13. DISQUALIFICATION OF BIDDERS: More than one proposal from an individual, firm, partnership, corporation, or combination thereof under the same or different names will not be considered. Reasonable grounds for believing that any individual, firm, partnership, corporation, or combination thereof is interested in more than one proposal for the work contemplated may cause the rejection of all proposals in which such individual, firm, partnership, corporation, or combination thereof is interested. If there is reason for believing that collusion exists among the bidders, any or all proposals may be rejected. Proposals in which the prices obviously are unbalanced may be rejected.

14. PREVIOUS DISQUALIFICATION, REMOVAL, OR OTHER PREVENTION OF BIDDING: A bid may be rejected on the basis of a bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, having been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of any law or any safety regulation.

15. RESPONSIBILITY FOR VERIFYING CONTRACT ADDENDA: All bidders shall verify if any addenda for this project have been issued by the City of San Leandro. It is the bidders' responsibility to ensure that all requirements of contract addenda are included in the bidder's proposal. All bidders shall include a signed copy of all contract addenda with the proposal. Failure to comply with this requirement shall cause the proposal to be considered as non-responsive and shall be grounds for rejection of the bid.

16. SITE INVESTIGATION: The bidder shall examine carefully the site of the work to verify all existing conditions. The submission of a bid shall be conclusive evidence that the bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and scope of work to be performed, as to the quantities of materials to be furnished, and as to the

requirements of the proposal, plans, specifications, and the contract. The bidder shall not take advantage of any apparent error or omission in the plans or specifications. In the event the bidder discovers any apparent error, discrepancy, or omission as a result of its site investigation, bidder shall immediately notify the City.

17. PRE-BID CONFERENCE: **None.**

    Questions regarding the plans and specifications may be submitted in writing to the project engineer until 5:00 p.m., five (5) days before, excluding Saturdays, Sundays and Holidays, bids are due. The City will not respond to oral questions outside of the pre-bid conference. The response, if any, will be by written addendum only. Oral responses do not constitute a revision to these plans or specifications.

18. ENGINEER'S ESTIMATE: The Engineer's Estimate of construction for this project is **$354,654 for the base bid and $458,550 for the base bid plus all alternates**.

19. PUBLIC CONTRACT CODE SECTION 22300: Pursuant to Public Contract Code Section 22300, for monies earned by the Contractor and withheld by the City to ensure the performance of the Contract, the Contractor, may, at its option, choose to substitute securities meeting the requirements of said Public Contract Code Section 22300.

20. CALIFORNIA LABOR CODE SECTION 6707: Pursuant to the provisions of California Labor Code Section 6707, each bid submitted in response to this Notice to Bidders shall contain, as a bid item, adequate sheeting, shoring, and bracing, or equivalent method, for the protection of life and limb in trenches and open excavation, which shall conform to applicable safety orders. By listing this sum, the bidder warrants that its action does not convey tort liability to the City or City employees, engineers, agents, or subconsultants.

21. BID PROTEST PROCEDURES: Any protest of the proposed award of bid to the bidder deemed the lowest responsible bidder must be submitted in writing to the City no later than 5:00 p.m. on the third (3rd) business day following the date of the bid opening.

    The initial protest must contain a complete statement of the basis for the protest.

    The protest must state the facts and refer to the specific portion of the document or the specific statute that forms the basis for the protest. The protest must include the name, address, and telephone number of the person representing the protesting party.

    The party filing the protest must concurrently transmit a copy of the initial protest to the bidder deemed the lowest responsible bidder.

    The party filing the protest must have actually submitted a bid on the project. A subcontractor of a party filing a bid on this project may not submit a Bid Protest. A party may not rely on the Bid Protest submitted by another bidder, but must timely pursue its own protest.

    The procedure and time limits set forth in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of a Bid Protest. The bidder's failure to fully comply with these procedures shall constitute a waiver of any right to further pursue the Bid Protest, including filing of a challenge of the award pursuant to the California Public Contracts Code, filing of a claim pursuant to the California Government Code, or filing of any other legal proceedings.

The City shall review all timely protests prior to formal award of the bid. The City shall not be required to hold an administrative hearing to consider a timely protest, but may do so at the option of the Engineer, or if otherwise legally required. At the time of the City Council's consideration of the award of the bid, the City Council shall also consider the merits of any timely protests and the Engineer's recommendation thereon. The City Council may either accept the protest and award the bid to the next lowest responsible bidder, or reject the protest and award to the lowest responsible bidder. Nothing in this section shall be construed as a waiver of the City Council's right to reject all bids.

The City reserves the right to waive any bid irregularities not affecting the amount of the bid, except where such waiver would give the low bidder an advantage or benefit not allowed other bidders.

Dated: ___June 22, 2010_____ _____

Marian Handa, City Clerk