

**NOTICE INVITING SEALED BIDS
FOR**

**ANNUAL ROADWAY RESURFACING PROJECT –
FY2010/11 – Phase 1**

IN THE CITY OF DANA POINT

PUBLIC NOTICE IS HEREBY GIVEN that the City of Dana Point, as AGENCY, invites sealed bids for the above-stated project and will receive such bids in the offices of the City Clerk, 33282 Street of the Golden Lantern, Dana Point, California 92629, up to the hour of **2:00 PM on July 15, 2010**, at which time they will be publicly opened. Bidders who submit after 2:00 PM on July 15, 2010 will be automatically disqualified.

Copies of the Construction Plans and Specifications are available from the City Engineer, City of Dana Point, 33282 Street of the Golden Lantern, Dana Point, California 92629, upon payment of a \$70 nonrefundable fee, if picked up, or a payment of \$85 nonrefundable fee, if mailed.

The general categories/types of work, include but are not limited to, the following:

- (1) Street reconstruction and rehabilitation, including new curb and gutter and other various work items;
- (2) Asphalt grinding and pavement overlay with asphalt rubber hot mix (ARHM) of various streets as outlined on the Contract Plans;
- (3) Storm Drain and Minor Drainage Improvements as outlined on the Contract Plans.

More specific work items included within the general categories/ types of work listed above include, but are not limited to: traffic control; community outreach; pavement removal; subgrade repairs; asphalt pavement repairs; removal and reconstruction of PCC driveways, sidewalk and curb and gutter; removal and reconstruction of pedestrian ramps to meet current ADA compliance; cross gutter and local depression construction; storm drain construction; construction of curb drains; adjustments of existing utility appurtenances to grade; removal and re-establishment of existing decorative hardscape improvements; minor landscaping and irrigation; signing and striping; and implementation of Best Management Practices (BMP) for storm water pollution prevention during all construction activities; and other general improvements.

Any contract entered into pursuant to this notice will incorporate the provisions of the State Labor Code. Pursuant to the provisions of Section 1773.2 of the Labor Code of the State of California, the minimum prevailing rate of per diem wages for each craft, classification, or type of workman needed to execute the contract shall be those determined by the Director of Industrial Relations of the State of California, which are on file at the City Hall, City of Dana Point, 33282 Street of the Golden Lantern, Dana Point, California 92629 and are available to any interested party on request.

Attention is directed to the provisions of Sections 1777.5 (Chapter 1411, Statutes of 1968) and 1777.5 of the Labor Code concerning the employment of apprentices by the CONTRACTOR or any such subcontractor under him. Affirmative action to ensure against

discrimination in employment practices on the basis of race, color, national origin, ancestry, sex, religion, or handicap will also be required.

The AGENCY will deduct a 10-percent retention from all progress payments as specified in Section 9-3.2 of the Project Specifications. The CONTRACTOR may substitute an escrow holder surety of equal value to the retention. The CONTRACTOR shall be beneficial owner of the surety and shall receive any interest thereon.

The AGENCY hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, sex, or religion in any consideration leading to the award of Contract.

In entering into a Public Works Contract, or a subcontract, to supply goods, services, or materials pursuant to a Public Works Contract, the CONTRACTOR, or subcontractor, offers and agrees to assign to the awarding body all rights, title and interest in, and to, all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the Public Works Contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to the CONTRACTOR, without further acknowledgement by the parties.

Bids must be prepared on the approved Proposal forms in conformance with the "*INSTRUCTIONS TO BIDDERS*" Section of the Project Specifications and submitted in a sealed envelope plainly marked on the outside.

The bid must be accompanied by certified or cashier's check, or bidder's bond, made payable to the AGENCY, or cash deposit, for an amount no less than 10 percent of the total amount bid.

The successful bidder shall be licensed in accordance with provisions of the Business and Professions Code for the type of work to be completed and shall possess the appropriate State Contractor's License **Class A** (General Engineering Contractor) at the time of the bid submittal.

The CONTRACTOR shall produce references and experience that show, to the satisfaction of the AGENCY that the CONTRACTOR bidding the project has adequate working knowledge of street reconstruction, asphalt resurfacing, and storm drain construction projects as the **PRIME CONTRACTOR**. Furthermore, the CONTRACTOR must have completed, and shall produce as part of its bid, references of five similar Projects for each of the following categories of work: street reconstruction, asphalt resurfacing, and storm drain construction projects as the PRIME CONTRACTOR to the satisfaction of the AGENCY. All noted information shall be provided in the locations designated in the bid documents. If these requirements are not met, the AGENCY reserves the right to determine any and all bidders non-responsive, and reject any and all bids on this basis. These requirements are due to the critical nature of the work and the need for the AGENCY to insure adequate experience is provided to complete the project.

The AGENCY intends to award the Contract for this work on July 26, 2010 at our regularly scheduled CITY COUNCIL meeting. Provided the PROJECT is awarded at that CITY

COUNCIL meeting, the CONTRACTOR shall be prepared to mobilize and start construction on September 1, 2010. The CONTRACTOR shall bid the project accordingly.

The CONTRACTOR shall complete the work within **seventy (70) working days** from the Notice to Proceed. Work performed beyond the allowable working days will be subject to service fees and liquidated damages per Section 6-7.2 and 6-9 of the Project Specifications, respectively. CONTRACTORS are required to provide written documentation, as part of their bid, if this schedule cannot be met. The AGENCY reserves the right to reject any and all bids on this basis.

The AGENCY reserves the right to reject any or all bids, to waive any irregularity and to take all bids under advisement for a period of 60 days.

BY ORDER OF the City of Dana Point, California.

Kathy M. Ward, City Clerk

Date

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