

CITY OF MODESTO
PUBLIC WORKS DEPARTMENT
NOTICE TO BIDDERS
ARRA OVERLAY AND ADA CURB RAMP IMPROVEMENT PROJECT
IN MODESTO, CALIFORNIA
Federal Aid Project ESPL-5059(166)

Sealed bids for the work shown on the plans entitled:

CITY OF MODESTO; PUBLIC WORKS DEPARTMENT
ARRA OVERLAY AND ADA CURB RAMP IMPROVEMENT PROJECT

FEDERAL AID PROJECT ESPL-5059(166)

will be received at the City Clerk's Office, 1010 Tenth Street, Sixth Floor, Suite 6600, Modesto, California, (Mailing Address: P.O. Box 642, Modesto, CA 95353) until **Tuesday, May 18, 2010**, before **11 o'clock a.m.**, and will be opened and publicly read aloud at about **11 o'clock a.m.** of the same day in the City Clerk's Office.

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

BID
ARRA OVERLAY AND ADA CURB RAMP IMPROVEMENT PROJECT
IN
MODESTO, CALIFORNIA

GENERAL WORK DESCRIPTION:

The project location in the City of Modesto is as follows:

Main Bid:

- Mill and pave the following streets:
 1. Oakdale Road from Scenic Dr. to Briggsmore Ave.
 2. Orangeburg Avenue from McHenry Ave. to Sunrise Ave.
 3. I Street from 14th St. to Downey Ave.
 4. Scenic Drive from Sonoma Ave. to Lakewood
 5. Virginia Ave. from Morris Ave. to Roseburg Ave.
- Construction of ADA curb ramps at various locations.

Bid Alternates:

1. Orangeburg Ave. from Sunrise Ave. to Coffee Rd.
2. Scenic Dr. from Gettysburg Wy. to Lillian Dr.
3. Virginia Ave. from Needham St. to Morris Ave.
4. Sisk Rd. from Standiford Ave. to Pelandale Ave.
5. Tully Rd. from 9th St. to Rumble Rd. (Microsurfacing)
6. Tully Rd. from 9th St. to Rumble Rd. (Mill/Fill)
7. Curb Ramp Improvements at 12th St. and G St.

8. West Roseburg Curb Ramp Improvements
9. North Downtown Curb Ramp Improvements – West
10. North Downtown Curb Ramp Improvements - East

Major work consists of, but is not limited to, the following:

- Providing a 14 calendar day advanced written notification to residents, businesses, Police and Fire Departments, adjoining schools and news media prior to commencing construction.
- Provide construction area signs
- Provide traffic control
- Provide Portable Changeable Message Signs
- Replacement of existing hot mix asphalt surfacing (digouts)
- Overlay existing asphalt concrete pavement
- Mill existing asphalt concrete pavement
- Construct curb ramps
- Adjust water valve covers to grade
- Adjust manhole covers to grade
- Provide asphaltic emulsion paint binder (tack coat)
- Provide hot mix asphalt, Type A
- Provide rubberized hot mix asphalt (gap graded) (RHMA-G)
- Install pavement markers, thermoplastic striping and marking
- Removal of concrete curb, gutter, and sidewalk
- Construct concrete curb and gutter
- Replace traffic signal loop detectors
- Obtain Caltrans Encroachment Permit for Orangeburg Ave. near McHenry (Hwy 108)

The UDBE Contract goal is 3.14 percent.

Bidders are advised that, as required by federal law, the City of Modesto is implementing new Disadvantaged Business Enterprise requirements for Underutilized Disadvantaged Business Enterprises (UDBE). Section 2, "Proposal Requirements and Conditions," under subsection titled "Disadvantaged Business Enterprises (DBE)" and Section 5, "General," under subsection titled "Performance of Subcontractors" of these special provisions cover the UDBE requirements.

Attention is directed to Section 1-1.01, "General," of the Amendments to the Standard Specifications, Dated May 2006, regarding plain language specifications.

A pre-construction meeting is required for this project.

Technical questions should be directed to the Office of the Director of Public Works, (Mike Sacuskie) City of Modesto, (209) 571-5552.

THIS PROJECT IS FUNDED WITH FEDERAL FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. ACCORDINGLY, THE CONTRACTOR SHALL ABIDE BY REQUIREMENTS AS PRESENTED IN THE RECOVERY ACT AND OTHER FEDERAL AND STATE REQUIREMENTS AS APPLICABLE, INCLUDING BUT NOT LIMITED TO SECTION 1605 OF THE RECOVERY ACT.

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.

The City of Modesto is implementing new contract requirements for the submittal of:

1. Data Universal Numbering System (D-U-N-S) Number form: Refer to section titled "Data Universal Numbering System (D-U-N-S) Number" under Section 3, "Contract Award and Execution," of these special provisions.
2. Monthly Employment Report forms: Refer to section titled "Monthly Employment Report (American Recovery and Reinvestment Act)" under Section 5 of these special provisions.

Bids are required on the entire work described herein.

Each bid shall be in accordance with the plans, specifications, and other contract documents now on file with the Director of Public Works, 1010 Tenth Street, Suite 4100, Modesto, California, where they may be examined and a copy thereof obtained from said Director of Public Works, P.O. Box 642, Modesto, California 95353, (209) 577-5462, upon a **deposit of \$50.00. (Make checks payable to the City of Modesto, Attn: 4th Floor Public Works Bid Requests, P.O. Box 642, Modesto, California 95353.)** The entire deposit is refundable if plans and specifications are returned in good condition within fifteen days after award of contract.

Bidder's attention is hereby called to the nondiscrimination clause contained in Section 7 of the General Provisions.

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

The City of Modesto hereby notifies all bidders that it will affirmatively ensure 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 an award.

Notice is also hereby given that all bidders may be required to furnish a sworn statement of their financial responsibility, technical ability and experience before award is made to any particular bidders.

Before entering into a contract for the work, Contractors shall be licensed in accordance with the provisions of Sections 7000 through 7145, inclusive, of the Business and Professions Code of the State of California. The successful Contractor will be required to furnish two acceptable surety bonds; one for Faithful Performance and the other for Labor and Materials. Each bond is to be executed in a sum equal to one hundred percent (100%) of the contract price. City Staff will certify that the certificate of authority of the insurer has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has, that renewed authority has been granted within 10 calendar days of the insurer's receipt of the certificate shall be required.

The successful Contractor will be required to obtain a business license from the City of Modesto and pay related fees.

The Contractor shall possess a **Class A license** at the time the Contract is awarded.

On the outside of the bid envelope, the bidder shall indicate the following:

1. NAME AND ADDRESS OF BIDDER.
2. NAME AND PROJECT ON WHICH BID IS SUBMITTED.
3. DATE AND TIME OF BID OPENING.

Each bid shall be made out on a form to be obtained at the office of the Director of Public Works and shall be accompanied by cash, certified or cashier's check, or bid bond, for not less than ten percent (10%) of the amount of the bid, made payable to the order of the City Clerk, City of Modesto, California; shall be sealed and filed with the City Clerk, Tenth Street Place, 1010 Tenth Street, Sixth Floor, Suite 6600, Modesto, California, (Mailing Address: P.O. Box 642, Modesto, CA 95353) until **Tuesday, May 18, 2010**, before **11 o'clock a.m., Sharp**, and will be opened and publicly read aloud at about **11 o'clock a.m.** of the day in the City Clerk's Office, Tenth Street Place, 1010 Tenth Street, Modesto, California.

The above-mentioned cash, check or bond shall be given as a guarantee that the bidder will enter into the contract if awarded to him and will be declared forfeited if the successful bidder refused to enter into said contract after being notified to do so by the City of Modesto, Stanislaus County, California.

Bids submitted by mail must be mailed sufficiently in advance of the bid opening to ensure delivery to the City Clerk prior to the specified opening time. City of Modesto assumes no responsibility for delay in delivery of the bid by the carrier your company chooses for delivery service or after it is delivered to the City's central mailroom. It is **solely the bidder's responsibility** to ensure the bid has been delivered to the proper location by the time indicated on this request for bid.

The City reserves the right to reject any or all bids or to waive any informalities or minor irregularities in a bid.

No bidder may withdraw his bid for a period of ninety (90) days after the date set for the opening thereof.

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done 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, available at the Office of the City Clerk, Tenth Street Place, 1010 Tenth Street, Suite 6600, Modesto, California and available from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov/DLSR/PWD>. The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are set forth in the Bid book, and in copies of this book that may be examined at the offices described above where project plans, special provisions, and bid forms may be seen. Addenda to modify the Federal minimum wage rates, if necessary, will be issued to holders of Bid book. Future effective general prevailing wage rates, which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

Attention is directed to the Federal minimum wage rate requirements in the Bid book. 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 City of Modesto 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.

It shall be mandatory upon the Contractor to whom the contract is awarded, and upon any subcontractor under him, to pay not less than the said specified rates to all laborers and mechanics employed by them in the execution of the contract.

Bidder shall contact City of Modesto Public Works Department the day prior to bid opening to obtain any addenda information. Submittal of a signed **addenda acknowledgement form** shall be evidence that the bidder has obtained this information and that the bid is based on any changes contained therein.

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.

Bidders shall review the City's insurance coverage requirements with its insurance agent, and verify that Bidder's insurance coverage meets or exceeds the City's requirements as stated in Section 7.14 of the General Provisions, and modified by Section 5-1.19 Insurance Requirements of these Special Provisions.

Bidders are notified that in case of either default in executing and returning the two (2) copies of the contract and "Subcontracting Request" Form CEM-1201 within ten (10) working days after having received notice of intent to award the contract, or in case of default in obtaining and delivering fully executed and valid bonds and insurance acceptable to the City within ten (10) working days after having received notice of award, the proceeds of the check or bond accompanying this bid shall become the property of the City of Modesto.

Dated: April 18, 2010

STEPHANIE LOPEZ, City Clerk