



PUBLIC WORKS DEPARTMENT
Ralph A. Qualls, Jr., Director

CITY HALL
10300 TORRE AVENUE ~ CUPERTINO, CA 95014-3266
(408) 777-3354 ~ FAX (408) 777-3333

Date: May 29, 2008

File: 50,345

Project: 2008-02, Reconstruction of Curbs, Gutters and Sidewalk

ADDENDUM NO. 1
To
CITY OF CUPERTINO'S RECONSTRUCTION OF CURBS, GUTTERS AND SIDEWALK
PROJECT
City Project Number: 2008-02

Please note that the following revisions are made to the above referenced project:

1. The date of the project bid opening is Tuesday, June 17, 2008, which is the date that appeared in the mailed and published Notice to Contractors for the project. The project title page and first page of the Notice to Contractors are revised as shown on the attached revised project title page and first page of the Notice to Contractors to reflect the June 17, 2008, bid opening date.
2. The second page of the Notice to Contractors held by the planholders is revised as shown on the attached revised second page of the Notice to Contractors to reflect the May 7, 2008, actual date of publishing.
3. Statement of Qualifications Page 4 of 13 is revised as shown on the attached revised Statement of Qualifications Page 4 of 13. Attention is called to item 6 thereon, where the three years for which the Bidder's Interstate Experience Modification Rate is to be listed are 2005, 2006, and 2007.
4. Special Provisions Page 18 of 28 is revised as shown on the attached revised Special Provisions Page 18 of 28. Attention is called to Section 23, Questions, which has been revised to make the last day for technical questions Wednesday, June 11, 2008, at noon.

This Addendum No. 1 is hereby incorporated and made part of the Bid Proposal requirements for the **Reconstruction of Curbs, Gutters and Sidewalk Project**. All other provisions of the Contract Documents shall remain in full force and effect.

APPROVED BY:

FOR Ralph A. Qualls, Jr.
Director of Public Works

Attachments

City of **CUPERTINO** 

DEPARTMENT OF PUBLIC WORKS

CALL FOR BIDS

***SPECIFICATIONS FOR
RECONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS***

PROJECT NO. 2008-02

BID OPENING:

***TUESDAY, June 17, 2008
2:00 P.M.***

RALPH A. QUALLS, JR.
DIRECTOR OF PUBLIC WORKS
10300 Torre Avenue
Cupertino, CA 95014-3202
PH: (408) 777-3354
FX: (408) 777-3333

File: 50,345

**B. BID DOCUMENTS
NOTICE TO CONTRACTORS**

**CITY OF CUPERTINO
10300 TORRE AVENUE
CUPERTINO, CALIFORNIA 95014**

RECONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS, PROJECT 2008-02

The City of Cupertino, Santa Clara County, California, invites sealed proposals for the construction of the work as delineated on the plans and/or in the specifications, entitled **RECONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS, PROJECT 2008-02.** Contract Documents, consisting of Notice to Contractors, Bid Proposal, Time for Completion, Estimated Quantities, Noncollusion Affidavit, Bidder Qualification Form, Subcontractors Form, Signature Form, Standard Specifications, General Provisions, Special Provisions and Plans, Faithful Performance Bond, Labor and Material Bond, Insurance Certificates and City's forms, Contract for Public Works, may be reviewed and copies of same may be obtained at the office of the City Engineer, City of Cupertino, 10300 Torre Avenue; Cupertino, CA 95014, for a non-refundable deposit of \$20.00 each. Special attention of bidders is directed to Section 7, Proposal and Award of Contract, of the General Provisions for full directions as to bidding.

Sealed proposals and sealed statement of qualifications will be received at the office of the City Clerk, City Hall, City of Cupertino; 10300 Torre Avenue; Cupertino, CA 95014, **until 2:00 P.M. on Tuesday, June 17, 2008**, at which time they will be publicly opened and the comparative totals read.

All proposals or bids shall be accompanied by cash, a cashier's check, or certified check payable to the order of the City of Cupertino, in the amount of ten (10%) of the bid, or by a bond in said amount payable to the City of Cupertino. Said bond shall be signed by the bidder and a corporate surety, or by the bidder and two (2) sureties who shall justify before any officer competent to administer an oath, in double said amount and over and above all statutory exemptions. Said cash or check shall be forfeited or said bond shall become payable to the City in case the bidder depositing the same does not enter into a contract with the City within ten (10) days after written notice that the Contractor has been awarded the contract.

All bids shall be compared using the estimated quantities prepared by the Engineer and the unit prices submitted. No incomplete nor interlineated proposal or bid will be accepted. Bidders are required to bid on all items of the proposal.

No federal funds are involved in this project, therefore, bids submitted shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of the State of California.

No bids will be awarded to a Contractor who is not licensed in accordance with the provisions of Division 3 of Chapter 9, "Contracts", of the Business and Professions Code of the State of California. The contract shall not be awarded to any bidder who does not possess a Class A General Engineering or Class C-8, Concrete Contractor's License.

A. Bid Documents (continued)

All bids received will be reported to the City Council of the City of Cupertino within thirty (30) days of receipt, at which time the City Council will review and act upon the bids submitted. Award, if any, will be made to the responsible bidder whose proposal is most advantageous to the City.

The City of Cupertino reserves the right to award the contract to any qualified bidder based on the proposal that is most advantageous to the City. The City also reserves the right to reject any or all bids or to waive any irregularities in the bidding procedures, provided the variance cannot have affected the amount of the bid or cannot have given a bidder an advantage or benefit not allowed other bidders.

The Contractor shall furnish to the City a Faithful Performance Bond and a Labor and Material Bond as required in the specifications.

It shall be mandatory upon the Contractor to whom the contract is awarded, and upon all subcontractors, to pay no less than the general prevailing wage rates to all workers employed in the execution of the contract as provided for in Section 7-1.01A of the Standard Specifications.

Payments to the Contractor will be made in cash by said City upon submission by the Contractor and approval by the Engineer of a progress billing which reflects the value of the work completed. The progress payments made as work progresses will be payments on account and will not be considered as an acceptance of any part of the material or workmanship required by the contract.

Pursuant to Section 22300 of the California Public Contract Code, the Contractor will be permitted, upon request and its sole expense, to substitute securities for any moneys withheld by the City to ensure performance under the contract. Said securities will be deposited either with the City or with a state or federally chartered bank as escrow agent.

Securities eligible for this substitution are those listed in Section 16430 of the California Government Code, or bank or savings and loan certificates of deposit, interest bearing demand deposit accounts, standby letters of credit, or any other security mutually agreed to by the Contractor and the City. The Contractor shall be the beneficial owner of any securities substituted for moneys withheld and shall receive any interest thereon.

CITY OF CUPERTINO

By: Kimberly Smith
City Clerk
To Be Published: May 7, 2008

Dated: 4-29-08

PART B
BIDDER'S SAFETY, PREVAILING WAGE, LICENSES, DISPUTES, BONDS AND INSURANCE

SAFETY

The following statements as to safety experience of Bidder are submitted with Bid, as part thereof, and Bidder guarantees the truthfulness and accuracy of the information.

1. Has Cal/OSHA, Federal OSHA, the EPA or any Air Quality Management District cited Bidder in the past five years? Yes _____ No _____ If yes, attach description of each citation.

2. How often does Bidder require documented safety meetings be held for:

• Field Supervisor	Weekly _____	Biweekly _____	Monthly _____	Less than monthly _____
• Employees	Weekly _____	Bi-weekly _____	Monthly _____	Less than monthly _____
• New Hires	Weekly _____	Bi-weekly _____	Monthly _____	Less than monthly _____
• Subcontractors	Weekly _____	Bi-weekly _____	Monthly _____	Less than monthly _____

3. How often does Bidder conduct documented safety inspections? Quarterly _____, Semi-annually _____, Annually _____, Other _____

4. Does Bidder have home office safety representatives who visit/audit the job site? Quarterly _____, Semi-annually _____, Annually _____, Other _____

5. What is Bidder's Interstate Experience Modification Rate? _____. (A rating in excess of 1.5 may constitute grounds for disqualification as non-responsible.)

6. List Bidder's Interstate Experience Modification Rate for the last three years.
 - 2005 _____
 - 2006 _____
 - 2007 _____

7. Use Bidder's last year's Cal/OSHA 200 log to fill in the following:
 - Number of lost workday cases _____
 - Number of medical treatment cases _____
 - Number of fatalities _____
 - Employee hours worked last year _____

8. State the name of Bidder's safety engineer/manager or Site Safety Officer and attach a resume or outline of this individual's safety and health qualifications and experience. _____

PREVAILING WAGE PROVISIONS

Has Bidder been fined, penalized or otherwise found to have violated any prevailing wage or labor code provision? If yes, attach description of each occurrence.

Yes _____ No _____ Description: _____

23. QUESTIONS

Any questions regarding these plans and specifications should be directed to Glenn Goepfert, Assistant Director of Public Works, Department of Public Works, (408) 777-3354. **The last day for technical questions is Wednesday, June 11, 2008 at noon.**

24. STORM WATER POLLUTION CONTROL

In compliance with the State and Federal regulations regarding storm water management during construction, no waste materials or pollutants will be allowed to enter the storm drainage system. In addition to reducing downstream erosion and sedimentation, keeping pollutants and other debris out of storm drains reduces the direct discharge of materials and wastes to local creeks and San Francisco Bay.

The Contractor shall contain and remove any waste generated by the Contractor's construction operation using the appropriate Best Management Practices (BMPs) and shall properly dispose of the waste or pollutants off-site. If solid or liquid waste materials or pollutants originating from the Contractor's operation enter the storm drain system, the Contractor will be required to thoroughly clean up the affected catch basins, storm sewer and storm manholes to the satisfaction of the Engineer. If the Contractor fails to meet the requirements of this section, the City will issue a stop-work notice and take necessary action to require the Contractor to set up the preventive measures or clean up the storm drainage system as the case may be. All costs related to the stop-work action and corrective work shall be solely borne by the Contractor.

The following requirements shall be implemented to prevent the pollution of storm water runoff from construction projects.

A. GENERAL REQUIREMENTS

Water pollution control work shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Standard Specifications, the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity No. CAS000002 (NPDES Construction General Permit) and these provisions. For additional information regarding the requirements of the NPDES Construction General Permit, refer to the State Water Resources Control Board web site at <http://www.swrcb.ca.gov/stormwtr/construction.html>.

The Contractor shall be responsible for the costs and liabilities imposed by law as a result of the Contractor's failure or negligence in complying with the provisions set forth in this section and in the "Erosion and Storm Water Quality Control" section of the technical specifications for this project. For the purposes of this section, costs and liabilities include, but are not limited to, fines, penalties and damages whether assessed against the City or the the City.