

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT
CALIFORNIA
NOTICE TO BIDDERS

Notice is hereby given that the Bel Marin Keys Community Services District (the "District") will receive bids for furnishing all labor, materials, transportation and services for the project known as:

2020 DREDGING PROJECT

Located in the Novato Creek and the North Lagoon, Novato, California, each bid to be in accordance with the plans, specifications and other contract documents now on file at the office of the District Engineer, Foth & Van Dyke and Associates, Inc., located at 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949, where they may be examined and copies obtained.

- A.** Under California Laws and Regulations, the District shall inform all prime contractors of public works, to the extent feasible, of relevant public work requirements. Therefore, the District hereby advises all bidders that the successful bidder shall:
1. Employ the appropriate number of apprentices on the job site as set forth in California Labor Code 1777.5;
 2. Provide worker's compensation coverage, as set forth in California Labor Code Sections 1860 and 1861;
 3. Keep and maintain the records of work performed on the public works project, as set forth in California Labor Code Section 1812; and
 4. Keep and maintain the records required under California Labor Code Section 1776, which shall be subject to inspection pursuant to California Labor Code Section 1776 and California Administrative Code, Title 8, Group 3, Section 16400 (3); and
 5. Be subject to other requirements imposed by law.
- B.** Bidders are hereby notified that, pursuant to the provisions of California Labor Code, Sections 1770 et seq., the District has obtained from the Director of the Department of Industrial Relations, the general prevailing rate of per diem wages and a general prevailing rate for holidays, Saturdays and Sundays, and overtime work in the locality in which the work is to be performed for each craft, classification, or type of worker required to execute the contract. A copy of said prevailing rate of the per diem wage is on file in the office of the District Engineer (and can be obtained from the Department of Industrial Relations at <http://www.dir.ca.gov>), to which copy reference is hereby made for further particulars. Said prevailing rate of per diem wages will be made available to any interested party upon request, and a copy thereof shall be posted at the job site.
- C.** The District will not recognize any claim for additional compensation because of the payment by the contractor of any wage rate in excess of the prevailing wage rates on file as aforesaid. The possibility of a wage increase is one of the elements to be considered by the contractor in determining his/her or its bid and will not, under any

circumstances, be considered as the basis of a claim against the District on the contract.

- D. Bidders are hereby notified that if the contract will be entered into or financed by or with the assistance of agencies of the United States, the District must comply with federal prevailing wage requirements. A copy of the current prevailing rates under federal law is filed in the District Engineer's Office.
- E. In accordance with the provisions of California Public Contract Code Section 3300, District has determined that the Contractor shall possess a valid class "A" Contractor's license at the time that the contract is awarded. Failure to possess the specified license shall render the bid as non-responsive and shall act as a bar to bidder not possessing said license at the time of award of the contract.
- F. 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 bidder.
- G. Each bid shall be made out on a form to be obtained at the office of the District Engineer, 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949 (tel: 415-884-8011) and shall be accompanied by cash, a certified or cashier's check or bid bond issued by a corporate surety admitted in California, for ten percent (10%) of the amount of the bid made payable to the order of the Bel Marin Keys Community Services District, shall be sealed and filed with the District Engineer at District Engineer's office located at 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949, on or before **July 9, 2020**, at 2:00 p.m., and will be opened and publicly read aloud at or about 2:15 p.m. of that day in the office of the District Engineer, 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949.
- H. The above mentioned 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 refuses to enter into said contract within ten (10) days after being requested to do so by the District.
- I. The Contractor may substitute securities for the amounts retained by the District to ensure performance of the contract in accordance with the provisions of Section 22300 of the Public Contract Code. At the request and expense of the contractor, securities equivalent to the amount withheld shall be deposited with the public agency, or with a state or federally chartered bank in California as the escrow agent, who shall then pay those moneys to the contractor. Upon satisfactory completion of the contract, the securities shall be returned to the contractor. Alternatively, the contractor may request and the District shall make payment of retentions earned directly to the escrow agent at the expense of the contractor. At the expense of the contractor, the contractor may direct the investment of the payments into securities and the contractor shall receive the interest earned on the investments upon the same terms provided for in Section 22300 of the Public Contract Code for securities deposited by the contractor. Upon satisfactory completion of the contract, the contractor shall receive from the escrow agent all securities, interest, and payments received by the escrow agent from the District, pursuant to the terms of Section 22300 of the Public Contract Code. Securities eligible for investment under Section 22300 of the Public Contract Code shall

include those listed in Section 16430 of the Government Code, 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 public agency. The contractor shall be the beneficial owner of any securities substituted for moneys withheld and shall receive any interest thereon.

- J.** The District will award the contract to the lowest responsible bidder, which meets the qualifications set forth in the Contract Documents. The District reserves the right to reject any or all bids or waive any informality in a bid.
- K.** No bidder may withdraw his/her bid for a period of sixty (60) days after the date set for the opening thereof.
- L.** You should be aware that all contractors performing work for the District are required to present evidence of Workers' Compensation and Employers' Liability Insurance coverages; a certificate of insurance and copies of the information or declaration page(s) for Broad Form Comprehensive General Liability or Commercial General Liability, and Business Automobile Liability Insurance policies of not less than \$1,000,000 for bodily injury or death arising out of any one occurrence and property damage limits of not less than \$3,000,000 arising out of any occurrence for each type of coverage; as well as copies for said General Liability and Business Auto Liability Insurance Policies or an endorsement naming the District, its Board, and its officers, agents and employees as additional insureds, a standard cross-liability endorsement, an endorsement precluding cancellation or reduction in coverage before the expiration of thirty (30) days after District has received written notification by first class mail from the insurance carrier of such cancellation or reduction, and an endorsement stating that the insurance afforded thereby to District and its officers, agents and employees shall be primary insurance to the full limits of the policy, and that if District and its officers and employees have other insurance against a loss covered by such a policy, such other insurance shall be excess insurance only. Contractor shall further procure for the District's benefit, course of construction insurance coverage for all risks of loss in an amount equal to the completed value of the project. The certificates of insurance and copies of information or declaration page(s) and of endorsements are to be reviewed and approved as to form by the District before work commences.
- M.** In general terms, the Project consists of hydraulically dredging and pumping dredged materials from portions of the North Lagoon and Novato Creek to the Bel Marin Keys Dredge Materials Management Site.
- N.** The award of a contract is subject to the District's receipt of all financial and regulatory approvals from local, state or federal agencies.
- O.** The "Contract Documents" consist of this Notice to Bidders; the Proposal; the Bid Bond; the list of subcontractors; the non-collision affidavit; Section 00100 (Bidding Requirements); the Agreement; the Faithful Performance Bond; the Payment Bond; the General Conditions; the Special Conditions; the plans and specifications, and any and all exhibits attached to any of the above listed documents. Copies of the Contract Documents and other documents referred to in the Contract Documents may be obtained from the District Engineer's office located at 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949, for a non-refundable price of \$20.00 to cover

printing and processing. Letters or requests should be sent to Foth & Van Dyke and Associates, Inc. via email to Kyle.MacDonald@Foth.com or via phone at 415-884-8011. Checks should be made payable to Foth & Van Dyke and Associates, Inc.

- P.** Any question pertaining to the plans, specifications, or any of the Contract Documents shall be in writing, addressed to the attention of John DeRuggeris, P.E., and delivered either in person to John DeRuggeris, P.E. or, if by mail, addressed to John DeRuggeris, P.E. at Foth & Van Dyke and Associates, Inc., 384 Bel Marin Keys Blvd. - Suite 140, Novato, CA 94949, or, via e-mail to Kyle MacDonald at Kyle.MacDonald@Foth.com. Any and all questions pertaining to the plans, specifications or any of the Contract Documents shall be in writing and submitted to the Engineer by **June 25, 2020** before 2:00 p.m. (Local Time).
- Q.** District reserves the right to request change orders at any time.
- R.** The successful bidder shall provide proof of a current business license issued by the jurisdiction where the work of improvement is to be conducted upon award of the Contract.
- S.** The successful bidder shall, within 10 days from the date of request by the District, enter into a contract with the District, which contract shall be accompanied by a payment bond and a faithful performance bond, each in a sum equal to 100% of the amount of the bid, and all documents evidencing insurance coverage requested by the District.
- T.** The District reserves the right to accept a bid and enter into a contract subject to receipt of all permits and approval from regulatory agencies having jurisdiction over the Project.
- U.** Bidders recognize the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code. Bidder agrees to fully comply with the earnings assignment orders of all employees and to provide the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
- V.** This contract is subject to the non-discrimination clause set forth in Section 12990 of the Government Code. Contractor shall be required to insert a non-discrimination clause in every sub-contract on this Project.
- W.** It is a misdemeanor for any person to submit a bid to a public agency without having a contractor's license. Any bidder on contractor not so licensed shall be subject to all legal penalties imposed by law. Contractors or subcontractors who have been determined to have violated any public work laws as set forth in Labor Code 1777.1 or 1777.7 shall be denied the privilege to bid the work as provided herein.
- X.** Each interested contractor shall be required to attend a pre-bid meeting. The mandatory pre-bid meeting shall take place on **June 16, 2020**, at 2:00 pm, at the District Offices located at 4 Montego Key, Novato, CA 94949. If a contractor is unable to attend this scheduled pre-bid meeting, then the Contractor must

coordinate with Foth to attend a separate pre-bid meeting to satisfy this requirement.

- Y. The date of substantial completion for the Project shall be **November 30, 2020**. If the District accepts a proposal, it anticipates issuing a Partial Notice to Proceed on or about **August 21, 2020** for mobilization efforts only and a full Notice to Proceed on or about **September 1, 2020** (the environmental work window for dredging for this project is September 1 – November 30). It is therefore estimated that the Contractor will have **101 (one hundred and one)** calendar days from the date of issuance of the Partial Notice to Proceed to the required Substantial Completion date for the project. The permit windows allow for ninety one (91) calendar days for work in the North Lagoon and the Novato Creek.

By order of the Board of Directors of the Bel Marin Keys Community Services District, State of California.

Dated: May 21, 2020

Vincent P. Lattanzio, Board President