

COUNTY OF EL DORADO, CALIFORNIA  
COMMUNITY DEVELOPMENT AGENCY  
TRANSPORTATION DIVISION

**NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**

By the County of El Dorado, State of California, that sealed bids for work in accordance with the Project Plans (Plans) and Contract Documents designated:

**GOLDEN BEAR EROSION CONTROL PROJECT**

**CONTRACT NO. PW 13-30700**

**CIP NO. 95176**

will be received at the County of El Dorado Community Development Agency, Transportation Division (Transportation Division) office in South Lake Tahoe, California, at 924B Emerald Bay Road, until **July 14, 2014, at 2:00 PM**, at which time bids will be publicly opened and read by the County of El Dorado Transportation Division.

No Bid may be withdrawn after the time established for receiving bids or before the award and execution of the Contract, unless the award is delayed for a period exceeding sixty (60) calendar days. Bids must be executed in accordance with the instructions given and forms provided in the bound Contract Documents furnished by the Transportation Division. The Proposal must not be detached and must be submitted with the Contract Documents bid package in its entirety. All bids must be submitted in a sealed envelope and clearly marked on the envelope:

**“PROPOSAL FOR THE  
GOLDEN BEAR EROSION CONTROL PROJECT”  
CONTRACT NO. PW 13-30700  
CIP NO. 95176**

**TO BE OPENED AT 2:00 PM, Monday, July 14, 2014**

**LOCATION/DESCRIPTION OF THE WORK**

The Project area is located in eastern El Dorado County, in the Tahoe Basin, west of Pioneer Trail and south of Trout Creek.

The Work to be done is shown on the Plans, and generally consists of, but is not limited to:

- A. Construction of erosion control improvements including sediment traps, drainage inlets, culverts, and an underground infiltration system. These improvements are proposed for construction on Golden Bear Trail. Other items or details not mentioned above, that are required by the Plans, Standard Specifications, or these Special Provisions, must be performed, constructed, or installed.
- B. Bids are required for the entire Work described herein.
- C. The contract time is **FIFTEEN (15) WORKING DAYS**.
- D. For bonding purposes the anticipated project cost is less than \$145,000.
- E. A pre-bid meeting is scheduled for this project on **Monday, July 7, 2014 at 2:00 P.M.** at the Transportation Division in South Lake Tahoe, California, at 924B Emerald Bay Road. Attendance at this meeting is not mandatory.
- F. This project is being informally bid in accordance with the Public Contract Code 22032 and County of El Dorado Ordinance Code section 3.14.040.

## **OBTAINING OR INSPECTING CONTRACT DOCUMENTS**

The Contract Documents and Plans may be examined at the Transportation Division or may be purchased in person or by mail from the Transportation Division, 924B Emerald Bay Road, South Lake Tahoe, California 96150. The Contract Documents including full size Plans can be purchased with a **check only**, for EIGHTY FIVE dollars (\$85.00) and is non-refundable. To receive the Contract Documents including full size Plans by Federal Express, send request and payment prior to shipping and include an additional FIFTY dollars (\$50.00), for a total of ONE HUNDRED THIRTY FIVE dollars (\$135.00), to include shipping and handling. **Only Contract Documents and Plans purchased from the Transportation Division will be acceptable for bid submittal.**

## **CONTRACTOR'S LICENSE CLASSIFICATION**

Bidders must be properly licensed to perform the Work pursuant to the Contractors' State License Law (Business and Professions Code section 7000 et seq.) and must possess a **CLASS A** license or equivalent combination of Classes required by the categories and type of Work included in the Contract Documents and Plans at the time the Contract is awarded, and must maintain a valid license through completion and acceptance of the Work including guarantee and acceptance period. If the Contractor possesses a Class A license instead of the equivalent combination of Classes required by the categories and type of work included in the Contract Documents and Plans, then the Contractor or a subcontractor must also possess a **CLASS C27** "Landscaping Contractor" license. Failure of the successful Bidder to obtain proper and adequate licensing for an award of the Contract will constitute a failure to execute the Contract, and will result in forfeiture of the Bidder's security.

## **BUSINESS LICENSE**

The County Business License Ordinance provides that it is unlawful for any person to furnish supplies or services, or transact any kind of business in the unincorporated territory of El Dorado County without possessing a County Business License unless exempt under County Ordinance Code Section 5.08.070. The Bidder to whom an award is made must comply with all of the requirements of the County Business License Ordinance, where applicable, prior to beginning work under this Contract and at all times during the term of this Contract.

## **SUBCONTRACTORS LIST**

Each Proposal must have listed therein the name, contractor's license number and address of each subcontractor to whom the bidder proposes to subcontract portions of the work in an amount in excess of 0.5% of the total bid or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code. The Bidder must also describe in the Subcontractor Listing the work to be performed by each subcontractor listed. The work to be performed by the subcontractor must be shown by listing the bid item number, bid item description, and portion of the work to be performed by the subcontractor in the form of a percentage calculated by dividing the work to be performed by the subcontractor by the respective bid item amount(s) (not by the total bid price). The percentage of each bid item subcontracted may be submitted with the Bidder's bid or sent via email or fax to Daniel Kikkert, County of El Dorado Community Development Agency, Transportation Division, email-dan.kikkert@edcgov.us, Fax-(530) 541-7049 by 4:00 p.m. on the first business day after the bid opening. The email or fax must contain the name of each subcontractor submitted with the Bidder's bid along with the bid item number, bid item description, and the percentage of each bid item subcontracted, as described above. At the time the contract is awarded, all listed subcontractors must be properly licensed to perform their designated portion of the work. The bidder's attention is directed to other provisions of the Act related to the imposition of penalties for failure to observe its provisions by using unauthorized subcontractors or by making unauthorized substitutions.

## **NONDISCRIMINATION**

Attention is directed to the following Notice that is required by Chapter 5 of Division 4 of Title 2, California Code of Regulations.

### **NOTICE OF REQUIREMENT FOR NONDISCRIMINATION PROGRAM (GOVERNMENT CODE SECTION 12990)**

Attention is directed to the "Nondiscrimination Clause", set forth in Section 7-1.01A(4), "Labor Nondiscrimination," of the Standard Specifications, which is applicable to all nonexempt State contracts and subcontracts, and to the "Standard California Nondiscrimination Construction Contract Specifications" set forth therein. The specifications are applicable to all nonexempt State construction contracts and subcontracts of \$5,000 or more.

This Contract is subject to federal and state contract nondiscrimination and compliance requirements including Government Code, Section 12990, and must be construed and interpreted in compliance with said provisions.

The Transportation Division hereby notifies all Bidders that it will affirmatively ensure that in any Contract entered into pursuant to this advertisement, minority 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, sex, national origin, religion, age, or disability in consideration for the award.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

### **PREVAILING WAGE REQUIREMENTS**

In accordance with the provisions of California Labor Code Sections 1770 et seq., including but not limited to sections 1773, 1773.1, 1773.2, 1773.6, and 1773.7, the general prevailing rate of wages in the county in which the Work is to be done has been determined by the Director of the California Department of Industrial Relations. These wage rates appear in the California Department of Transportation publication entitled General Prevailing Wage Rates.

Interested parties can obtain the current wage information by submitting their requests to the Department of Industrial Relations, Division of Labor Statistics and Research, PO Box 420603, San Francisco CA 94142-0603, Telephone (415) 703-4708, or by referring to the website at <http://www.dir.ca.gov/OPRL/PWD>. The rates at the time of the bid advertisement date of a project will remain in effect for the life of the project in accordance with the California Code of Regulations, as modified and effective January 27, 1997.

Copies of the general prevailing rate of wages in the county in which the Work is to be done are also on file at the Transportation Division's principal office, and are available upon request.

In accordance with the provisions of Labor Code 1810, eight (8) hours of labor constitutes a legal day's work upon all work done hereunder, and Contractor and any subcontractor employed under this Contract must conform to and be bound by the provisions of Labor Code Sections 1810 through 1815.

This project is subject to the requirements of Title 8, Chapter 8, Subchapter 4.5 of the California Code of Regulations including the obligation to furnish certified payroll records directly to the Compliance Monitoring Unit under the Labor Commissioner within the Department of Industrial Relations Division of Labor Standards Enforcement in accordance with Section 16461.

### **BID SECURITY**

A bid security must be provided with each bid. Bid security must be in an amount of not less than ten percent (10%) of the total amount of the Bid and must be cash, a certified check, or cashier's check drawn to the order of the County of El Dorado or a Bidder's Bond executed by a surety satisfactory to the County of El Dorado **on the form provided in the Proposal section of these Contract Documents (do not detach the form)**.

### **BID PROTEST PROCEDURE**

The protest procedure is intended to handle and resolve disputes related to the bid award for this project pursuant to Title 7 Code of Federal Regulations Chapter XXX Part 3016 and County of El Dorado policies and procedures. A protestor must exhaust all administrative remedies with the County of El Dorado before pursuing a protest with a Federal Agency. Reviews of protests by the Federal agency will be limited to:

- (i.) Violations of Federal law or regulations and the standards of 7 CFR Chapter XXX Part 3016. Violations of State of California or local law will be under the jurisdiction of the State of California or the County of El Dorado; and

(ii.) Violation of the County of El Dorado's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the County of El Dorado.

The protest procedure is an extension of the formal bid process and allows those who wish to protest the recommendation of an award after bid the opportunity to be heard. This procedure is available after the informal methods have failed to reach a solution.

**Policy:** Upon completion of the bid evaluation, the Transportation Division will notify all bidders of the recommendation of award, the basis therefore, and the date and time on which the recommendation for award will be considered and acted upon by the County of El Dorado Director of Transportation (Director).

**Procedure:** If a bidder wishes to protest the award, this is the procedure:

1. The Transportation Division will review the bids received in a timely fashion under the terms and conditions of the Notice to Bidders, and notify the bidders in writing, at the address designated in the bid, of its recommendation including for award or rejection of bids ("All Bidders Letter").

2. Within five (5) working days from the date of the "All Bidders Letter," the bidder protesting the recommendation for award must submit a letter of protest to and must be received by the County of El Dorado, Community Development Agency, Transportation Division, Attention Daniel Kikkert, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, and state in detail the basis and reasons for the protest. The bidder must provide facts to support the protest, including any evidence it wishes to be considered, together with the law, rule, regulation, or criteria on which the protest is based.

3. If the Transportation Division finds the protest to be valid, it may modify its award recommendations and notify all bidders of that decision. If the Transportation Division does not agree with the protest, or otherwise fails to resolve the protest, the Transportation Division will notify the bid protestor and all interested parties of its decision and the date and time that the recommendation for award will be agendized for the Board of Supervisors' consideration and action. The Transportation Division will also include in its report the details of the bid protest.

4. Within one (1) business day of the date and time of the Protest Denial Fax, the bidder may request a meeting with the El Dorado County, Community Development Agency, Transportation Division, Deputy Director of Engineering, (Deputy Director) at which time the award and bid protest will be considered. At this meeting, the Deputy Director will take comment from the bidder and make a recommendation to the Director. In the event that the bidder does not request and attend a meeting, the bid protest may be dismissed by the Director without further consideration of the merits; and,

The decision of the Director on the bid protest will be final.

## **AWARD OF CONTRACT**

Bids will be considered for award by the Director. The County of El Dorado reserves the right after opening bids to reject any or all bids, to waive any irregularity in a bid, or to make award to the lowest, responsive, responsible Bidder and reject all other bids, as it may best serve the interest of the County.

As a condition of award, the successful Bidder will be required to submit bonds and evidence of insurance prior to execution of the Agreement by the County. Failure to meet this requirement constitutes abandonment of the Bid by the Bidder and forfeiture of the Bidder's security. Award will then be made to the next lowest, responsive, responsible Bidder.

## **RETAINAGE FROM PAYMENTS**

The Contractor may elect to receive one hundred percent (100%) of payments due under the Contract from time to time, without retention of any portion of the payment by the County, by depositing securities of equivalent value with the County in accordance with the provisions of Section 22300 of the Public Contract Code. Securities eligible for deposit hereunder are limited to those listed in Section 16430 of the Government Code, or bank or savings and loan certificates of deposit.

**PROJECT ADMINISTRATION**

All communications relative to the Contract Documents and Plans must be directed to Daniel Kikkert at the County of El Dorado Community Development Agency, Transportation Division, 924B Emerald Bay Road, South Lake Tahoe, CA 96150, telephone-(530) 573-7900, email-dan.kikkert@edcgov.us. No oral responses to any questions concerning the content of the Plans and Contract Documents will be given. All responses will be in the form of written addenda to the Contract Documents and Plans or written responses to bidders' inquiries. Responses and addenda will be posted on the Transportation Division website at <http://www.edcgov.us/Government/DOT/Bids.aspx>. It is the Bidders' responsibility to check this website for responses and addenda during the bid period.

The list of plan holders will also be posted on the Community Development Agency, Transportation Division website at [www.edcgov.us/Government/DOT/Bids.aspx](http://www.edcgov.us/Government/DOT/Bids.aspx).

Inquiries or questions based on alleged patent ambiguity of the plans, specifications, or estimate must be communicated as a bidder inquiry prior to bid opening. Any such inquiries or questions, submitted after bid opening will not be treated as a bid protest.

**BY ORDER OF** the Director of the Community Development Agency, County of El Dorado, State of California.

Authorized by the Director of Transportation on June 16, 2014 at Placerville, California.

By   
Steven M. Pedretti, Director of Transportation  
Community Development Agency Director  
County of El Dorado