

INVITATION TO BID

Pursuant to Public Contract Code Sections 1600 and 1601, all bids or proposals shall be submitted through the City's electronic bid management system (PlanetBids) at <https://www.planetbids.com/portal/portal.cfm?CompanyID=43375> by **2:00 pm Pacific Standard Time on or before March 9, 2023** for the project listed below. A bid submitted after the time set shall not be considered. Bidders are required to submit (upload) all items listed in the **section 4(d) of Instructions to Bidders**, including a copy of the required Bidder's Bond and acknowledgement of all addendums. Bids will be received by the City via the electronic submission up to the date and time shown in the Notice of Inviting Bids. The City will be responsible for bid tabulations. Bids will be opened and read out loud by the City Clerk's Office in Council Chambers at the date and time stated in the Notice of Inviting Bids. Bid results will be made available to the public on the City's website in the electronic bid management system once the bid tabulation has been completed.

The foregoing notwithstanding, the award of any contract shall be subject to approval by the City Council at a duly noticed City Council meeting and the City Council reserves the right to reject all Bids.

The Bidder, by submitting their electronic proposal, agrees to and certifies under penalty of perjury under the laws of the State of California, that the certification, forms and affidavits submitted as part of this proposal are true and correct. The Bidder, by submitting its electronic bid, acknowledges that doing so carries the same force and full legal effect as a paper submission with a longhand (wet) signature. By submitting an electronic bid, the Bidder certifies that the Bidder has thoroughly examined and understands the entire Contract Documents (which consist of the plans and specifications, drawings, forms, affidavits and the solicitation documents), and that by submitting the electronic bid as its Bid proposal, the Bidder acknowledges, agrees to and is bound by the entire Contract Documents, including any addenda issued thereto, and incorporated by reference in the Contract Documents.

Sidewalk & Curb Ramp Reconstruction Project (PHASE 3), CIP 052

The proposed work consists of but not limited to removal and reconstruction of sidewalk, curb and gutter, driveway approaches, AC pavement, curbs, tree and stump removal, adjust to grade of utility meter box, sidewalk grinding, construct ADA curb ramp, and all other work as indicated in the construction documents. It is the goal of this project to improve pedestrian safety, mobility and access within the City. The City Engineer's estimate for the project is Four Hundred Thousand Dollars (\$400,000).

This is a federally assisted construction contract. Federal Labor Standards Provisions outlined in the HUD-4010 form, including prevailing wage requirements of the Davis-Bacon and Related Acts (DBRA), will be enforced.

The "current Federal Wage Decision" is the one in effect ten (10) days prior to the bid opening date and can be found online at <http://www.wdol.gov> In the event of a conflict between federal and state wage rates, the higher of the two will prevail. "The Contractor's duty to pay State prevailing wages can be found under Labor Code Section 1770 et seq.

and Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and employ apprentices including forfeitures and debarment.” This Project is a “public work,” and thus, the Contractor and any Subcontractors must pay wages in accordance with the determination of the Director of the Department of Industrial Relations (“DIR”) regarding the prevailing rate of per diem wages. Copies of those rates are on file with the Director of Public Works and are available to any interested party upon request. The contractor shall post a copy of the DIR’s determination of the prevailing rate of per diem wages at each job site.

Section 3 Statement: This is a HUD Section 3 construction contract. First preference will be given to a bidder who provides a reasonable bid and is a qualified Section 3 Business Concern. Second preference will be given to a bidder who provides a reasonable bid and commits to achieving the Section 3 employment, training, and subcontracting opportunity goals by submitting a Declaration of Intent to comply with Section 3 requirements, including benchmarks. **A Section 3 MANDATORY Pre-Bid Meeting will be held at 10:00am on Thursday, February 23, 2023 at El Monte Aquatic Center (Conference Room A), 11001 Mildred St, El Monte, CA, 91731, to discuss the Section 3 bid preference and goals.** A bidder who is not responsive to the Section 3 requirements of the Housing Development Act of 1968 (as amended), will not receive consideration for a bid preference.

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. It is not a violation for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

Completion of Work: All work shall be completed within forty-five (45) working days from the date designated on the Notice to Proceed. Liquidated damages as provided for in the General Conditions of the Contract shall be in the sum of One Thousand Dollars (\$1,000.00) for each and every day as defined therein for each different scope of work as defined by the Base Bid and each change order except as otherwise specified in the General Conditions.

Obtaining Contract Documents: Specifications and contract documents are posted in the City’s electronic bid management system (PlanetBids) at <https://www.planetbids.com/portal/portal.cfm?CompanyID=43375>. All Bidders must first register as a vendor on the City of El Monte PlanetBids System website to participate in a Bid or to be added to a prospective Bidders list. Only those parties that have registered with the City as a plan holder on a particular project will receive the addendum(a) for that project. The City is not responsible for notifications to those parties who do not directly register as a plan holder on the City’s database. It is the responsibility of all perspective Bidders to register on the City’s database to ensure receipt of any addendum(a) prior to Bid submittals. Additionally, information on any addendum(a) issued for any bid specifications for any project will be available on the City website at:

<https://www.planetbids.com/portal/portal.cfm?CompanyID=43375>. The City reserves the right to reject as nonresponsive any bid that fails to include the information required by any addendum(a) posted on the City website.

Questions: Project-specific questions must be submitted in writing through the City's electronic bid management system (PlanetBids) at <https://www.planetbids.com/portal/portal.cfm?CompanyID=43375> by 4:00 p.m. Pacific Standard Time on or before Tuesday February 28, 2023. All posted questions will be answered in writing and conveyed via written addenda to all Bidders via posting on PlanetBids.

Mandatory Pre-Bid Meeting: A mandatory pre-bid meeting will be held on Thursday February 23, 2023, 10:00 a.m. at El Monte Aquatic Center (Conference Room A), 11001 Mildred St, El Monte, CA, 91731. **Every Bidder is required to attend the pre-bid meeting. Failure of a Bidder to attend will render that Bidder's Bid non-responsive.** No allowances for cost adjustments will be made if a Bidder fails to adequately examine the Project before submitting a Bid.

In light of the new health order issued by the Los Angeles County Department of Public Health lifting the indoor mask mandate [for fully vaccinated individuals], effective Friday, March 4, 2022, the City of El Monte COVID-19 Prevention Plan will remain in effect. **All employees and customers entering a City facility will be required to wear at least a face-covering or mask regardless of vaccination status.** If you plan to wear a face-covering instead of a surgical mask or well-fitting respirators (e.g., N95 and KN95), please ensure that the face covering is a tightly woven fabric or non-woven material with no visible holes or openings covering the nose and mouth.

Submission of Proposals: All Bids or Proposals shall be submitted through the City's electronic bid management system (PlanetBids) at <https://www.planetbids.com/portal/portal.cfm?CompanyID=43375> no later than the date and time prescribed. All Bids must be signed by an authorized representative.

All required sections, including pricing, shall be submitted (uploaded) to PlanetBids via the website. The Bidder shall attach Subcontractor(s) Listing, Experience Form, Copy of Bid Security, and all other documents as listed in the BIDDER'S CHECKLIST to the PlanetBids Attachments Tab. The system will not accept a Bid for which any required information is missing. **Prior to the Bid due date and time, all Bidders shall submit the original Bid Security to:**

**Office of the City Clerk
City of El Monte – City Hall East
11333 Valley Blvd
El Monte CA, 91731**

The award of the contract by the City Council is contingent upon the Bidder submitting the required bonds and insurance, as described in the Contract, prior to the Bid due date and time. If the Bidder fails to comply with these requirements, the City may award the contract to the second or third lowest Bidder and the Bid security of the lowest

Bidder may be forfeited.

Bids Remain Sealed Until Due Date and Time. Electronic Bids are transmitted into the City's bidding system via hypertext transfer protocol secure (https). Bids submitted prior to the due date and time are not available for review by anyone other than the submitter, who will have until the due date and time to change, rescind or retrieve its bid should they desire to do so. Upon the Bidder's entry of their bid, the system will ensure that all required fields are entered. The system will not accept a Bid for which any required information is missing. This includes all necessary pricing, subcontractor listing(s) and any other essential documentation and supporting materials and forms requested or contained in these solicitation documents. All Bid submission information must be fully transferred from the Bidder server to the bid system server before bid closing. Bids still transmitting at the time of bid closing will not be accepted. Bidders will receive an e-bid confirmation number with a time stamp from the bid management system indicating their bid was submitted successfully. The City will only receive those bids that were transmitted successfully. **DO NOT FAX OR EMAIL.**

Bid Security: Each proposal must be accompanied by a Bid Security in the form of a cashier's check, certified check, or bid bond executed on the prescribed form, in an amount not less than ten percent (10%) of the total bid price payable to the City of El Monte. Bidders are hereby notified that in accordance with the provisions of Public Contract Code section 22300, securities may be substituted for any monies which the City may withhold pursuant to the terms of this Contract to ensure performance.

Prior to the bid due date and time, all Bidders shall submit the original Bid Security to the City Clerk. Proof of delivery that is date/time stamped and signed for by the City Clerk from other couriers other than Certified mail will be accepted. A copy of the proof of delivery shall be submitted with the bid package by the bid due date.

Contractor's License: Bidder must possess a current **Class "A" - General Engineering Contractor license or Class "C-8" - Concrete Contractor** issued by the State of California, at the time the bid is submitted.

Contractor Registration: All Bidders and listed subcontractors must have registered with the California State Department of Industrial Relations pursuant to Labor Code section 1725.5 prior to submitting a Bid. Furthermore, a Contractor and all subcontractors must be registered pursuant to Labor Code section 1725.5 before entering into a contract to work on a public project.

City's Right to Postpone Opening of Bids. The City reserves the right to postpone the date and time for the opening of Bids at any time prior to the date and time initially announced in this Invitation to Bid in accordance with applicable law.

Opening of Bids. Bids will be received by the City via the electronic submission up to the date and time shown in the Notice of Inviting Bids. The City will be responsible for bid tabulations. Bids will be opened and read out loud by the City Clerk's Office in Council Chambers at the date and time stated in the Notice of Inviting Bids. Bid results will be made available to the public on the City's website and in the electronic bid

management system (PlanetBids) at <https://www.planetbids.com/portal/portal.cfm?CompanyID=43375> once the bid tabulation has been completed.

Award: The award shall be made to the lowest responsible Bidder whose proposal complies with the specified requirements. The foregoing notwithstanding, the award of any contract shall be subject to approval by the City Council at a duly noticed City Council meeting. Contractor shall execute the Contract within ten (10) days after it has received the Contract from the City. The City reserves the right to waive any irregularity in the proposals. No bid may be withdrawn for a period of sixty (60) days after the opening of bids.

Rejection of Bids: The City reserves the right to reject any and all Bids. The City further reserves the right to waive immaterial irregularities in any Bid. Any Bid not conforming to the intent and purpose of the Contract Documents may be rejected. The City reserves the right to make all awards in the best interest of the City.

Disqualification of Bidder: If there is a reason to believe that collusion exists among any Bidders, none of the Bids of the participants in such collusion will be considered and the City may likewise elect to reject all bids received.

Wage Rates: Bidders are hereby notified that the California Department of Industrial Relations has determined the general prevailing rate of wages for each craft, classification, or type of worker needed to execute the work. Copies of the current schedules for prevailing wages applicable to this project are on file in the City's office. It shall be mandatory for the Contractor and any subcontractor under it to pay not less than the said specified rates to laborers and workmen employed by them in the execution of the Contract. The contractor's duty to pay State prevailing wages can be found under Labor Code, Section 1770 et seq. Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and employ apprentices including forfeitures and debarment.

This public works construction project is also funded in whole or in part with federal funds. Accordingly, federal labor standards provisions including prevailing wage requirements of the Davis-Bacon and Related Acts (DBRA) will be enforced. In the event of a conflict between Federal and State prevailing wage rates, the higher of the two will prevail.

Bonds: The successful Bidder will be required to furnish a payment bond in an amount equal to one hundred percent (100%) of the Contract price, and a faithful performance bond in an amount equal to one hundred percent (100%) of the Contract price.

Conflict of Interest: In the procurement of supplies, equipment, construction, and services by sub-recipients, the conflict of interest provisions in 24 CFR 85.36 OMB Circular A-110, and 24 CFR 570.611, respectively, shall apply. No employee, officer, or agent of the sub-recipient shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

[End of Invitation to Bid]