

**NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that the County of San Mateo will receive sealed bids for the Realize Flood Park project located at Flood Park, Menlo Park, CA in accordance with the plans and specifications prepared by **CMG Landscape Architecture** ("Design Team").

1. **Time of Opening:** Bids will be opened on **Thursday, February 1, 2024**. Bid documents must be sealed, marked with the project name and project number. All Bids must be received at the office of the County Executive/Clerk of the Board Supervisor, Hall of Justice and Records at 400 County Center, Redwood City, CA 94063 **BEFORE 2:30 p.m.** Bids which are submitted on or after **2:30 p.m.** or facsimile bid transmissions will not be accepted. The bids will be publicly opened and read aloud for the following project in accordance with the specifications therefore and to which special reference is made as follows:

**REALIZE FLOOD PARK PROJECT – PHASE ONE****COUNTY PROJECT NO. P30W1  
PROJECT FILE NO. E5041****2. Contractors Requirements:**

a. All Bidders must have and maintain a General Engineering "A" Class or General Contractor "B" Class contractor's license in order for their bids to be considered responsive. Bidder may bid only on work of a kind for which it is properly licensed by the California Contractors' State License Board. Joint venture Bidders must possess a joint venture license. The Bidder must be licensed at the time of bid and the license must remain current for the duration of the Project. Failure to supply complete license requirement information and signature under penalty of perjury on the bid form may result in the bid being considered non-responsive and rejected.

b. Pursuant to Senate Bill (SB) 854, all bidders on public works, including any project resulting from this bid process, must register with the California Department of Industrial Relations (DIR) and pay an annual renewal fee to the DIR. Only bidders that have registered with the DIR and that are current in payment of annual renewal fees are eligible to bid as contractors or subcontractors on any project resulting from this bid process. Likewise, only contractors and subcontractors that have registered with the DIR and who are current in payment of their annual renewal fees shall be eligible to receive a contract or subcontract or to perform work under any contracts resulting from this bid process. Pursuant to the California Labor Code, the general prevailing rate of per diem wages and for holiday and overtime work shall be paid to all workers employed by the contractor selected for this project. Copies of prevailing rates of per diem wages are available upon request at the County's Offices or at [www.dir.ca.gov](http://www.dir.ca.gov). The Department of Industrial Relations/Labor Commissioner will monitor and enforce compliance with applicable prevailing wage requirements on this project and enforce compliance with applicable prevailing wage requirements in accordance with the California Labor Code, including sections 1771, 1774, 1776, 1777.5, 1813, and 1815. Contractors on any project resulting from this bid process will be required to submit certified payroll records in electronic format to the California Labor Commissioner unless excused by the Labor Commissioner from this requirement.

3. **Duration of Bid:** All bid proposals submitted shall be considered irrevocable offers to perform the work in accordance with the Contract Documents if a Notice of Award is issued within thirty (30) days from the bid opening.

4. Plans and Specifications: Plans and specifications for the above-mentioned project will be available on **November 6, 2023 on the San Mateo County Department of Public Works website (<https://www.smcgov.org/publicworks/Realize-Flood-Park-Project-Phase-One-POTB>)**.

**County recommends the Contractors to be placed on a Plan Holders List for bidding. To be placed on the Plan Holders List, the Contractor shall either:**

- a. Complete and sign the following Plan Holder's Affidavit by using the link below and you will receive a separate link for downloading an electronic copy of the Plans and Specifications:

<https://www.smcgov.org/publicworks/affidavit-form-realize-flood-park-project>

The Contractor is advised that the table should be received by the County no later than three (3) working days prior to the bid opening date.

- b. If Plans and specifications are obtained through a source other than those outlined in 1a above, complete and sign the following Plan Holder's Affidavit and return to the County by either PDF via email to [alum@smcgov.org](mailto:alum@smcgov.org). The Contractor is advised that the table should be received by the County no later than three (3) working days prior to the bid opening date.

Plan Holder's Affidavit	
Project Title	REALIZE FLOOD PARK – PHASE ONE
Project No.	P30W1
Project Engineer:	Anthony Lum
Project Manager:	Anthony Lum
Bid Open Date and Time:	2:30 p.m., Thursday, February 1, 2024
Company Name:	
Mailing Address:	
Phone Number:	Fax Number:
E-mail Address:	
(Name and Title of Authorized Representative of Bidder)	
(Signature of Authorized Representative of Bidder)	

- c. The Plan Holders List will be posted to the County of San Mateo's Public Works website two (2) working days prior to the bid open date.
- d. Questions regarding the Contract Documents concerning items such as discrepancies, conflicts, omissions, doubts as to meanings, or regarding scope of bid items shall be referred to the Engineer. Inquiries must be received in writing via email, to [alum@smcgov.org](mailto:alum@smcgov.org) and cc: [matthewe@capitalpm.com](mailto:matthewe@capitalpm.com) not less than five (5) working days prior to bid opening. Inquiries will be answered in writing via email response if written clarification is warranted, in the opinion of the Engineer, then inquiries and responses will be posted to the Project's page on the County of San Mateo's Public Works website. It will be the Contractor's sole responsibility to ensure that they receive responses, *if any*. The County will not be responsible for oral clarifications.
- e. It will be the Contractor's sole responsibility to ensure that they have received addendums, *if any*, which will be posted to the County of San Mateo's Public Works website on the same day issued. Said addendums will also be sent to all current plan holders and made available during purchase of Plans and Specifications.
- f. Plans and Specifications, including forms of proposal and contract, may be purchased at the contractor's expense from the County of San Mateo Department of Public Works. When purchasing by phone (650-363-4100), please send check payable to "County of San Mateo" to 555 County Center, 5<sup>th</sup> Floor, Redwood City, CA 94063.

5. **Inspection of Site: Non-Mandatory Pre-Bid Site Inspection and Conference will be held at Flood Park, 215 Bay Rd., Menlo Park, CA on November 16, 2023 at 10:00 AM.** All attendees are to meet in the **Oak Picnic Area** at Flood Park. Attendees must sign in by scheduled time. The County shall have the discretion to bar attendees who fail to arrive by scheduled time from signing in if the circumstances warrant. Before submitting a bid proposal, Bidders shall examine the drawings, read the specifications, the form of Agreement, and other Contract Documents. They shall visit the site of the proposed Project; examine the building, or buildings, if any, and any work that may have been done thereon. They shall fully inform themselves of all conditions on, in, at, and about the site, the buildings, if any, and any work that may have been done thereon.

6. **Format of Bids:** Bid proposals shall be made on the Bid Form included with the Contract Documents. All items on the form must be filled out. Numbers on the Bid Form document shall be written as Arabic numbers and shall also be written out as words and the signatures of all individuals must be in longhand. The completed form should be without interlineations, alterations, or erasures. A bid response to any specific item of this bid with terms such as "negotiable" "will negotiate" or similar, will be considered as nonresponsive to that specific term.

7. **Method of Determining Lowest Bidder:** The lowest bidder will be determined based on the lowest Total Base Bid as described on the Bid Form.

8. **Signatures on Bids:** Each bid must give the full business address of the Bidder. Bids by partnerships must furnish the full name of all partners and must be signed in the partnership's name by one of the members of the partnership, or by an authorized representative, followed by the signature and designation of the person signing. Bids by corporations must be signed with the legal name of the corporation, followed by the name of the state of the incorporation and by the signature and designation of the president, secretary, or other person authorized to bind it in the matter. The name of each person signing shall also be typed or printed below the signature. When requested by the County satisfactory evidence of the authority of the officer signing on behalf of the corporation shall be furnished.

9. **Taxes:** Taxes shall be included in the bid prices.

10. Use of Subcontractors: Pursuant to the provisions of sections 4100 to 4114, inclusive, of the California Public Contract Code, every Bidder shall, in its bid, set forth:

a. The name and location of the place of business of each subcontractor who will perform work or labor or render service to the Bidder in or about the construction of the Project or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Bidder, specially fabricates and installs a portion of the Project or improvement according to detailed drawings contained in plans and specifications, in an amount in excess of one-half (1/2) of one percent (1%) of the Bidder's total bid.

b. The portion of the Project which will be done by each such subcontractor. If the Bidder fails to specify a subcontractor for any portion of the Project to be performed under the Agreement in excess of one-half (1/2) of one percent (1%) of the Bidder's total bid, it agrees to perform that portion itself. The successful Bidder shall not, without the consent of the County, either:

i. Substitute any person as subcontractor in place of the subcontractor designated in the original bid.

ii. Permit any subcontractor to be assigned or transferred or allow the work to be performed by anyone other than the subcontractor.

iii. Sublet or subcontract any portion of the Project in excess of one-half (1/2) of one percent (1%) of the total bid as to which its original bid did not designate a subcontractor. In accordance with Public Contract Code section 7106, each Bidder shall be required to complete the Non-Collusion Declaration form, which is included in and is part of the Contract Documents.

Further, pursuant to SB 854, only subcontractors who have registered with the DIR and who are current in paying the annual renewal fee to the DIR shall be eligible to perform work on the project resulting from this bid process.

11. Sureties: Any bonds must be issued by an admitted surety insurer, as defined in California Code of Civil Procedure sections 995.010, *et seq.*

12. Bid Proposal Security: Bid proposals should be accompanied by a certified cashier's check or Bidder's bond for an amount not less than ten percent (10%) of the maximum contract price. The cashier's check or bid bond shall be made payable to the order of the County. The cashier's check or bond shall be given as a guarantee that the Bidder will enter into the Agreement if awarded the Project, and in the case of refusal or failure to enter into the Agreement within ten (10) calendar days after notification of the award of the Agreement, the cashier's check or bond, as the case may be, shall be retained by the County as liquidated damages. Failure to provide bid security, or bid security in the proper amount, may result in rejection of the bid. Cashiers or certified checks that are filed with the bid will be returned to the unsuccessful Bidder(s) within ten (10) calendar days after the award of the Agreement resulting from this bid process.

13. Evidence of Responsibility: Prior to awarding a contract, the County may require the Bidder to submit evidence of the Bidder's and/or the Bidder's subcontractor's qualifications to perform the proposed agreement. The County may consider such evidence before making its decision awarding the proposed agreement. Failure to submit evidence of the Bidder's or its subcontractors' responsibility to perform the proposed agreement may result in rejection of the bid.

14. Bid Protest: Bid protests shall be filed in writing with the County of San Mateo, Director of Public Works, at 555 County Center, 5<sup>th</sup> floor, Redwood City, CA 94063 by registered mail, not later than three (3) working days after the bid opening. The protest shall include project name, project file number, and a complete statement describing the reasons and facts upon which the protest is based. Ultimately protests, which do not meet the deadline requirements specified above, will not be accepted or considered. If a valid protest is filed timely, the Department will investigate the bid protest. The protested bidder shall

have three (3) business days to respond to the Department and to provide any information requested by the Department. The Department shall respond to the protesting party, stating its findings. The Department Director shall make a recommendation to the San Mateo County Board of Supervisors regarding the bid protest.

15. Award of Agreement/Rejection of Bids: The County may issue a "Notification of Apparent Low Bid" to the bidder that it determines to be the lowest responsible and responsive bidder. The County reserves the right to reject any or all proposals, to contract work with whomever and in whatever manner, to abandon the Project entirely, or to waive any informality in bids received. Unless and until a "Notice to Proceed" is issued by the County, no obligation on behalf of either party exists. Upon issuance of the "Notice to Proceed", the successful bidder will post all required bonds and submit proper evidence of insurance coverage as called for by the Contract Documents. If this is not accomplished within ten (10) calendar days, the County reserves the right to cash bidder's bid security check to cover the differential in the higher bid award and the County administrative costs, and award the bid to the next lowest responsible and responsive bidder or otherwise proceed as allowed by law.

16. Form of Agreement: The form of contract which the successful Bidder will be required to execute, if awarded the Project, shall be per the attached template that is contained in the bid package. The terms and conditions, in their entirety, in the County's Agreement are NOT NEGOTIABLE. Proposals requesting modifications to the non-negotiable terms will be deemed non-responsive and will not be reviewed. The Agreement shall contain, among other things, matters required by State law to be inserted in contracts for public work.

17. Payment and Performance Bonds: The successful Bidder, upon notice of award of bid and prior to commencing Project, shall furnish in duplicate a labor and material bond in the amount of **one hundred percent (100%)** of the contract sum and a faithful performance bond in the amount of **one hundred percent (100%)** of the contract sum.

18. Insurance: Prior to commencing work, the Contractor is required to furnish the County with Certificates of Insurance for workers' compensation, and comprehensive General Liability including broad form property damage, automobile liability and all additional requirements per Article 16 of the Agreement. As set forth more fully in Article 16 of the Agreement, the County has reserved the right to modify the insurance requirements contained in the Agreement, including but not limited to, by implementing, an Owner Controlled Insurance Program ("OCIP") for the Project.

19. Prevailing Wage Rates: In accordance with the provisions of section 1770 of the Labor Code, the Director of the Department of Industrial Relations of the State of California has determined the general prevailing rates of wages and employee payments for health and welfare, pension, vacation, travel time, working hours and apprenticeable training requirements which must be paid to all workers on public work contracts. (See Labor Code § 1770, *et seq.*)

20. Non-Discrimination: The County will affirmatively ensure that in any contract entered into pursuant to this advertisement, qualified contractors 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, creed, sex or national origin in consideration for award.

21. Withdrawal or Modification of Bid Proposals: Bid proposals may be withdrawn or modified by the Bidder prior to the time fixed for the opening of bids. A notice of withdrawal or modification to a bid must be signed by the Bidder or its designated representative. Following bid opening, a Bidder shall not be relieved of its bid unless by consent of the County or Bidder's recourse to Public Contract Code sections 5100-5108. Bidders must hold their bids open for one hundred and twenty (120) days after the Bid Opening Date.

22. Prevailing Law: In the event of any conflict or ambiguity between these instructions and state or federal law or regulations, the latter shall prevail.

23. Forms to Submit with Bid: Except for Deferred Items, all bid proposals shall include the following documents, each complete in its entirety. Deferred Items shall be submitted within 24 hours after submission of Bid. Failure by the bidder to submit the documents/forms will render the bid non-responsive.

Bid Form  
Bid Bond  
Non-Collusion Declaration  
Designation of Subcontractors  
Statement of Compliance  
Iran Contracting Act Certification  
Certification of Bidder's Qualifications and Experience

Publication Dates: **November 9, 2023**