

SECTION A

CITY OF TUSTIN, CALIFORNIA

NOTICE TO CONTRACTORS

SEALED PROPOSALS will be received at the office of the City Clerk, Tustin City Hall, 300 Centennial Way, Tustin, California 92780 until 10:00 A.M. on the 6th day of April 2010 at which time they will be publicly opened and read, for performing work as follows:

TUSTIN AREA SENIOR CENTER WOOD FLOOR
REPLACEMENT IN AUDITORIUM
COMMUNITY DEVELOPMENT BLOCK GRANT
RECOVERY (CDBG-R) FUNDING
(CIP No. 1032)

CIP No. 1032 is a Community Development Block Grant Recovery
(CDBG-R) Funded Project

This work shall consist in part of furnishing all labor, materials, tools, equipment and incidentals as required by the plans, specifications and contract documents for the above stated project. The work to be done hereunder consists of removal and disposal of the existing wood floor and base, and replacing the floor and base as detailed in the plans and specifications or as customarily necessary to complete the intent of the proposed work.

Plans, specifications and proposal forms to be used for bidding on this project can only be obtained by prospective bidders at the office of the Public Works Department, Tustin City Hall, 300 Centennial Way, Tustin, California 92780, upon payment of \$20.00 per set or will be mailed out upon payment of \$30.00 per set, which amounts are not refundable.

Inquiries during the bid period shall be directed in writing to the Project Manager, 300 Centennial Way, Tustin, CA 92780, Attention: Jason Churchill, 714.573.3350, Fax 714.259.8128. All inquiries must be received not later than 7 days prior to the bid opening date of April 1, 2010.

In conformance with Section 20170 et seq. of the Public Contract Code, all bids shall be presented under sealed cover on the proposal form provided and accompanied by bidder's security in the form of cash, cashier's check, certified check or bid bond issued by a surety company authorized to issue such bonds in the State of California. The security shall be for the amount not less than 10% of the amount of the bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed therewith.

A Faithful Performance Bond in the amount of 100% and a Labor and Materials Payment Bond in the amount of 100% in the form attached to the contract documents shall be provided. Said bonds shall be issued by a surety company duly authorized to

issue such bonds in the State of California. Prior to execution of contract, Contractor shall provide City with insurance certificate(s) with endorsements evidencing commercial general liability and automobile liability insurance as prescribed in the contract, with a company of A.M. Best's Key Rating of Grade A and Class VII (seven) with an Admitted Insurer, or rated Grade A- or better and Class X (ten) or better with a Surplus Line Broker. Workers' Compensation Insurance with a company of A.M. Best's Key Rating of Grade B- or better and Class VII (seven) or better, or offered by State Compensation Fund, is acceptable.

If a bid bond is supplied, the bid bond shall be from an admitted surety. If the bond surety is not admitted, the City shall reject the bid as non-responsive. The City shall not accept a surety provided by a surplus line broker; nor shall the City allow a Contractor to substitute a bid surety after the bids are open.

Additionally, the Contractor shall concurrently submit, with the bonds and insurance certificate(s) with endorsements, a certified copy of the most recent Certificate of Authority issued to the bonding companies by the California Insurance Commissioner.

Contractor shall provide to the City within ten (10) working days after the date of notice of award of contract the aforementioned insurance certificate(s) with endorsements which must meet the requirements of the specifications and comply with the contract documents. Failure to comply with this requirement will result in annulment of the award, forfeiture of the proposal guarantee and City will pursue award to the next qualified responsive bidder. Contractor is advised that insurance requirements are non-negotiable and City will not consider waiving insurance requirements. There are no exceptions.

The City of Tustin hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, sex or religion in any consideration leading to the award of contract.

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of the Disadvantaged Business Enterprise / Women's Business Enterprise (DBE/WBE) Program as required for Federally funded projects. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate. Each subcontract signed by the bidder must include this assurance.

The City of Tustin reserves the right to reject any or all bids, and/or to waive any informality on a bid. No bidder may withdraw his bid for a period of forty-five (45) days after the date set for the opening thereof. Prior to bid opening bidder may withdraw his bid. Bids received after the bid opening time and date herein will be returned to bidder unopened.

The award of the contract, if it be awarded, will be to the lowest responsible bidder whose proposal complies with all the requirements prescribed and who has met the goal for the DBE/WBE participation or has demonstrated, to the satisfaction of the City, adequate good faith efforts to do so. Meeting the goal for DBE/WBE participation, or demonstration to the satisfaction of the City adequate good faith efforts to do so, is a condition for being considered for award of this contract.

Pursuant to the California Public Contract code, the Contractor will be entitled to post approved securities with the City or an approved financial institution in order to have the City release funds retained by the City to insure performance of the contract.

Every person submitting a bid must have a Contractor's license for the work, in the classification of A or B and C15, at the time of making a bid. Further, it is a misdemeanor not to have a license at the time of the bid. (Business and Professions Code Section 7028.15(a)).

In the case of joint ventures, each person comprising the joint venture shall have a Contractor's license at the time of the bid. (Business and Professions Code Section 7028.15(c)).

However, the joint venture itself must have a "joint venture license" not later than the time of the award of bid. (Business and Professions Code Section 7029.1).

In the case of City contracts which involve Federal funds, the Contractor must be properly licensed at the time of award of the contract. (Public Contract Code Section 20103.5).

A Contractor who is not properly licensed will have his bid declared nonresponsive. (Business and Professions Code Section 7028.15(e)).

Any bidder or Contractor not so licensed shall be subject to all legal penalties imposed by law, including, but not limited to, any appropriate disciplinary action by the Contractor's State License Board. (Public Contract Code Section 20103.5). Failure to comply with these license requirements may also result in a forfeiture of bidder's security.

The City Council of the City of Tustin has obtained from the Director of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for legal holiday and overtime work in the locality in which the work is to be performed for each craft or type of work needed and a copy of the same is on file in the office of the City Engineer. Not less than said prevailing rates shall be paid the workers employed on this public works contract as required by Labor Code Sections 1771 and 1774 of the State of California.

Attention is directed to the Federal minimum wage rate requirements in these Special Provisions. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor,

the Contractor and subcontractor shall pay not less than the higher wage rate. The City will not accept lower State wage rates not specifically included in the Federal minimum wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the Contractor and subcontractors, the Contractor and subcontractors shall pay not less than the Federal minimum wage rate which most closely approximates the duties of the employees in question.

City Hall Offices are currently open from 7:30 a.m. to 5:30 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday.

The Contractor's activities shall be confined to the hours between 7:00 a.m. and 5:00 p.m. Monday through Thursday and 7:00 a.m. to 4:00 p.m. on Friday, excluding holidays. Deviation from these hours will not be permitted without the prior consent of the Engineer except in emergencies involving immediate hazard to persons or property.

Ordered by the City Council on May 19, 2009.

Pamela Stoker, City Clerk

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