

NOTICE TO CONTRACTORS CALLING FOR BIDS

School District: Etiwanda School District of San Bernardino County, California (hereinafter, “DISTRICT”).

Bid Deadline: Sealed bids containing the following documents shall be received up to but not later than 2 o’clock p.m. of the 22nd day of September, 2020: 1) Bid Form; 2) Noncollusion Declaration; 3) Site Visit Certification; 4) Designation of Subcontractors; 5) Cash, Certified or Cashier’s Check, or Bid Bond; 6) DVBE Participation Goal Compliance, 7) Bidder’s Acknowledgement of Project Schedule, 8) Storm Water Pollution Prevention Certification, and, if applicable, 7) Corporate Resolution authorizing officer to sign on behalf of and bind the corporation. Thereafter, prior to bid award, the successful Bidder shall submit to DISTRICT the DVBE Compliance Forms.

It is each Bidder’s sole responsibility to ensure its bid is timely delivered and received at the location designated below. Any bid received at the designated location after the scheduled closing time for receipt of bids shall be returned to Bidder unopened.

Place of Bid Receipt: DISTRICT’s Business Services Department, 6061 East Avenue, Etiwanda, California 91739 (hereinafter, “DISTRICT OFFICE”).

Bid Opening: Bids shall be opened publicly and read aloud following the Bid Deadline stated above.

Project Identification Name: Solorio Elementary Schools New Classroom Building

Category	Category
1 – General	17 - HVAC
5 - Structural Steel	18 - Plumbing
7 - Gypsum/Plaster	19 - Electrical

Prospective Bidders may secure plans, specifications and bid documents (digitally) from Miller Construction, Rancho Cucamonga 91730, Contact Pete Clinton at (909) 484-1009 or pete@millercon.com. Bid documents (*with a sample bid form only*) may also be viewed in the CONSTRUCTION MANAGER’s Office Plan Room, Miller Construction 8447 Maple Place, Rancho Cucamonga, 91730 to the extent required by Public Contract Code section 20103.7.

It is very important that prospective Prime Bidders, which choose to use a plan room in lieu of obtaining their own complete set of bid documents, contact Miller Construction, 8447 Maple Place Rancho Cucamonga Ca, 91730, Project Manager- Pete Clinton, pete@pcm-construction.com, and request a **no cost** Bid Package. This Bid Package contains, among other important things, the Bid Form which **MUST** be used to submit a prime bid to DISTRICT

NOTICE IS HEREBY GIVEN that DISTRICT, acting by and through its Governing Board, will receive up to, but not later than the above-stated time, unless extended by addendum, sealed bids for the award of a contract for the Project.

As a condition of bidding and in accordance with the provisions of Section 20111.5 of the California Public Contract Code, prospective Bidders, unless already prequalified by DISTRICT within one (1) year of submitting its bid, are required to submit to DISTRICT a completed prequalification questionnaire supplied by DISTRICT, comprised of the Contractor's Statement of Experience and Financial Condition, Affidavit of Contractor, and Certificate of Accountant.

Prospective Bidders are encouraged to submit their prequalification documents as soon as possible, but in no event shall prequalification statements and supporting documents be submitted later than five (5) Days prior to the date fixed for the public opening of sealed bids. Prequalified contractors will be notified within thirty (30) Days of submission of their prequalification documents, but in no event less than one (1) Day prior to the opening of bids of their prequalification rating. Bids will not be accepted from contractors who are not prequalified. Contractors who are not prequalified shall have the right to appeal their prequalification rating as provided for in Article VI of the Contractor's Prequalification form attached to the Bid Packet for this Project. The pre-qualification form can be downloaded: https://docs.google.com/forms/d/1VkFtb6MKSUuf92Mk5KJSBKaBvzF7pckRSyeOOGA-dds/viewform?edit_requested=true

Each bid must conform and be responsive to all pertinent bidding and Contract Documents. Copies are on file and open for public inspection at the CONSTRUCTION MANAGER'S office.

No Contractor or Subcontractor may be listed on the Bid Form or Designation of Subcontractors Form for the Project unless registered with the Department of Industrial Relations ("DIR") pursuant to California Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)]. No Contractor or Subcontractor may be awarded a contract for the Project unless registered with DIR pursuant to Labor Code section 1725.5. This Project is subject to compliance monitoring and enforcement by the DIR.

Bids shall be received in the place identified above and shall be opened and publicly read aloud at the above-stated time and place.

Consistent with California Public Contract Code section 20103.8 and Section 14 of the Information for Bidders form, relating to the use of alternate bids, the lowest responsible Bidder for the Project shall be determined using the method indicated by a check mark below. Please note that this method is used to calculate the bids and does not address issues of responsiveness or responsibility:

- The lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items.

The lowest bid shall be the lowest total bid prices on the base bid and the following additive and/or deductive items: _____
_____.

Y The lowest bid shall be the lowest total of the bid prices on the base bid and the following additive and/or deductive items taken in the following order: _____
_____.

The aforementioned additive and/or deductive items have been prioritized and will be selected based upon whether said additive and/or deductive items, when added to or subtracted from the base bid, are less than, or equal to, the funding amount publicly disclosed by DISTRICT before the first bid is opened.

Y The lowest bid shall be determined on the base bid, or on the base bid and any alternate or combination of alternates, in the following manner, which shall prevent any information that would identify any of the Bidders or proposed Subcontractors from being revealed to a participant in the decision-making process for DISTRICT before the ranking of all Bidders from lowest to highest has been determined:

As each bid is received for the Project, a designated employee of DISTRICT who will not be involved or participate in the decision making process shall place an assigned number on the front top right corner of the bid envelope and inform Bidder of his/her assigned number. As bids are opened, the assigned number will be written by the designated employee at the top right hand corner of the page(s) of the Bid Form that contain the bid amounts. Bids shall be read aloud by assigned number, without reference to the name of the Bidders. The designated employee shall then either (a) prepare a separate tabulation of each bid, to include only the assigned number and amounts of the base bid and all alternate bids, or (b) photocopy the page(s) of each Bid Form containing the base bid and alternate bid amounts, which page(s) shall not contain the name of Bidder. The designated employee will then replace each original Bid Form back into the bid envelope. The complete Bid Forms shall remain in the custody of the designated employee until DISTRICT determines the low apparent Bidder based upon each Bidder's base bid and alternate bid amounts. All bid protests received prior to notification of the low apparent Bidder will be required to be in writing and delivered to the attention of the designated employee who shall retain the bid protests until the low apparent Bidder has been determined. Upon the selection of the low apparent Bidder, such determination shall be reduced to writing and retained by DISTRICT, and the designated employee shall thereafter deliver the bid envelopes containing the original Bid Forms, and any bid protests received, to the _____ or his/her designee. After the assigned numbers have been matched with the names of the Bidders and the Bid Forms and any bid protests have been reviewed, Bidders who submitted bids shall be notified of the low apparent Bidder either by telephone, fax or mail. Any bid protests submitted after the low apparent Bidder has been announced must be directed to the attention of the _____.

When no box is marked, the default value of the bid award shall be the lowest bid price on the base bid only, without consideration of the prices on the additive or deductive items.

Once the lowest responsible Bidder has been selected, DISTRICT may determine to add to or deduct from the Contract any of the additive or deductive items.

In accordance with the provisions of California Public Contract Code section 3300, DISTRICT requires that Bidder possess one or more of the following classification(s) of contractor’s license at the time the Contract is awarded:

Category	License	Category	License
1 - General	B	17 - HVAC	C-20
5 - Structural Steel	C-51	18 - Plumbing	C-36
7 - Gypsum/Plaster	C-9 and C-35	19 - Electrical	C-10

CONTRACTOR’s California State License number shall be clearly stated on the Bid Form.

No payment shall be made for Work or material under the Contract unless and until the Registrar of Contractors verifies to DISTRICT that CONTRACTOR was properly licensed at the time the Contract was awarded and CONTRACTOR continues to be so licensed throughout the term of the Contract. Any CONTRACTOR not so licensed is subject to penalties under the law. If the license classification specified above is that of a “specialty contractor,” as defined in Section 7058 of the California Business and Professions Code, the specialty contractor awarded the Contract for the Work shall itself construct a majority of the Work, in accordance with the provisions of Business and Professions Code section 7059.

Subcontractors must possess the appropriate licenses for each specialty subcontracted at the time the bid is submitted and at the time the Contract is awarded. Failure to satisfy this requirement shall disqualify Bidder. The successful Bidder and its Subcontractors must have the required valid licenses at the time the bid is submitted and must maintain the licenses throughout the duration of the Contract and warranty period.

Time for completion of the entire Project, inclusive of all categories of work set forth herein, shall be Two Hundred and Ten (210) consecutive calendar days following the start date established in DISTRICT’s Notice to Proceed for the Project. Said Notice shall not be issued prior to five (5) Days after award of the Contract(s) comprising the Project and shall not require Work to be commenced less than forty-eight (48) hours following CONTRACTOR’s receipt of the Notice to Proceed. All Work comprising the Project shall be performed in accordance with the durations and sequences shown in the Project Construction Schedule as contained in Section 01310 of the Project Specifications. Time is of the essence. Failure to complete the Work within the time set forth herein will result in the imposition of liquidated damages for each Day of delay, in the amount set forth in the Information for Bidders.

Each Bidder agrees that, if its bid is accepted, it shall perform at least 15% of the Work, exclusive of supervisory and clerical work, without the services of any Subcontractor, each Bidder shall designate in its bid those portions of the Contract Bidder intends to perform without the services of any Subcontractor, which satisfies the aforementioned 15% requirement.

Each Bidder shall submit, on the form furnished with the Contract Documents, a list of the proposed Subcontractors on this Project, as required by the Subletting and Subcontracting Fair Practices Act, California Public Contract Code sections 4100 et seq.

Prime Contractors bidding this Project shall require, pursuant to California Public Contract Code section 4108, all Subcontractors providing labor and materials in excess of Fifty Thousand Dollars (\$50,000) to supply an original signature on a fully executed one hundred percent (100%) Faithful Performance Bond and one hundred percent (100%) Payment Bond. All such Subcontractor bonds shall be delivered by the PRIME CONTRACTOR to DISTRICT through CONSTRUCTION MANAGER within ten (10) calendar days following the PRIME CONTRACTOR's receipt of notification of the award of the Contract(s) for the Project and before any Work is performed by any Subcontractor on the Project. The failure by or refusal of a Subcontractor to comply with this requirement may result in that Subcontractor's substitution consistent with Public Contract Code sections 4108(b) and 4107(a)(4). All PRIME CONTRACTORS bidding on the Project must specify this requirement for Subcontractor bonds in their written or published request for Subcontractor bids. Failure of a PRIME CONTRACTOR to comply with this requirement may result in the PRIME CONTRACTOR's bid being deemed non-responsive and the forfeiture to DISTRICT of the PRIME CONTRACTOR's bid security. Bonds are required for each specification section which exceeds the limits listed above. The practice of issuing separate purchase orders and/or subcontracts for the purpose of circumventing the Subcontractor bonding requirement shall not serve to exempt CONTRACTOR from these requirements.

If the box to the left is marked, DISTRICT, pursuant to California Public Contract Code section 7201(b)(4) and (5), has, at a properly noticed and normally scheduled public hearing, determined that the Project is substantially complex and therefore requires, consistent with Article 59, paragraphs (a) and (o) of the Project General Conditions, that ten percent (10%) in retention proceeds be withheld from any payment by DISTRICT to CONTRACTOR. The finding that the Project is substantially complex and constitutes a unique project not regularly, customarily, or routinely performed by DISTRICT or licensed contractors is based upon the following: _____

Each Bidder is encouraged to and is expected to exercise due diligence to comply with the provisions of California Public Contract Code sections 10115 et seq., California Military and Veterans Code sections 999 et seq., and California Code of Regulations, Title 2, sections 1896.60 et seq., which require all applicable contracts to satisfy state wide participation goals of not less than three percent (3%) for disabled veteran business enterprises ("DVBE"). In accordance with California Education Code sections 17070.41, 17076.11, 100615, 100815, and 101011, DISTRICT has a participation goal for DVBEs of at least three percent (3%) per year of

the overall dollar amount of funds allocated to DISTRICT by the State Allocation Board pursuant to the Leroy F. Greene School Facilities Act of 1998, the Kindergarten-University Public Education Facilities Bond Act of 2002, 2004, and 2006, and Kindergarten Through Community College Public Education Facilities Bond Act of 2016 for construction and modernization and expended each year by DISTRICT.

“Disabled Veteran Business Enterprise contractor, subcontractor, or supplier” means any person or entity that has been certified by the Department of General Services Office of Small Business and Disabled Veteran Business Enterprise Services and that performs a “commercially useful function,” in providing services or goods that contribute to the fulfillment of the Contract requirements.

1. A person or an entity is deemed to perform a “commercially useful function” if a person or entity does all of the following:

- (a) (i) Is responsible for the execution of a distinct element of the Work of the Contract.
- (ii) Carries out the obligation by actually performing, managing, or supervising the Work involved.
- (iii) Performs work that is normal for its business services and functions.
- (b) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

2. A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor’s, subcontractor’s, or supplier’s role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.

“Disabled veteran” means a veteran of the military, naval, or air service of the United States, including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts (“Old Scouts”), and the Special Philippine Scouts (“New Scouts”), who has at least a 10 percent service-connected disability and who is domiciled in the State of California.

“Disabled veteran business enterprise” means a business certified by the Department of General Services’ Office of Small Business and Disabled Veteran Business Enterprise Services as meeting all of the following requirements:

1. It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is unconditionally owned by one or more disabled veterans; a subsidiary that is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is unconditionally owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture’s management and control and earnings are held by one or more disabled veterans.

2. The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.

3. It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.

Pursuant to California Public Contract Code section 10115.9, a limited liability company may be certified as a DVBE if the limited liability company is wholly owned by one or more disabled veterans.

Bidders shall be required to submit to DISTRICT with the Bid Form the completed and executed DVBE Participation Goal Compliance form. The successful Bidder shall also be required to submit to DISTRICT, within (a) five (5) calendar days following the date on which bids for the Project are received and opened and the apparent low Bidder declared, or (b) two (2) calendar days prior to the scheduled award of the Project, whichever is sooner, the appropriate documentation using the DVBE Compliance Forms included as part of the Contract Documents for the Project, including, but not limited to, proof of publication if satisfying the good faith effort requirement (unless goal is met), and identifying the amount to be paid to DVBEs in conjunction with the Agreement, so that DISTRICT can assess its success in meeting the three percent (3%) goal.

If the DVBE Compliance Forms specify that CONTRACTOR will meet DISTRICT's DVBE participation goal for the Project, prior to and as a condition precedent for final payment under the Agreement for the Project, CONTRACTOR shall certify to DISTRICT, using the certification form included with the DVBE Compliance Forms, (1) the total amount CONTRACTOR received under the Contract, (2) the name and address of the DVBEs that participated in performance of the Contract, (3) the amount each DVBE received from CONTRACTOR, and (4) that all payments under the Contract have been made to the DVBEs.

All submittals will be collected by DISTRICT, stamped with date and time, and will remain unopened until the time of the Bid Opening.

Each Bid shall be accompanied by cash, a certified or cashier's check, or bid bond executed by an admitted surety insurer, as defined in California Code of Civil Procedure section 995.120, in an amount not less than ten percent (10%) of the total bid price, payable to DISTRICT as a guarantee that Bidder, if its proposal is accepted, shall promptly execute the Agreement, furnish a satisfactory Performance Bond in an amount not less than one hundred percent (100%) of the total bid price, furnish a Payment Bond in an amount not less than one hundred percent (100%) of the total bid price, and furnish certificates evidencing that the required insurance is in effect in the amounts set forth in the Agreement for the Project. In the event the successful Bidder fails to enter into the Contract and execute the required documents, such bid security will be forfeited. The Performance Bond shall remain in full force and effect through the guarantee period, as specified in the General Conditions.

DISTRICT reserves the right to extend the bid closing date, reject any or all bids or to waive any irregularities or informalities in any bids or in the bidding.

No specifications for bids in connection with the letting of contracts for the construction, alteration, or repair of public works shall be drafted (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that Bidders may furnish any equal material, product, thing, or service. In applying this section, DISTRICT shall, if aware of an equal product manufactured in California, name such product in the specification. Contractor shall, no later than 4:30 p.m. on the second business day following the bid deadline set forth herein, submit data substantiating a request for substitution of "an equal" item.

Pursuant to California Public Contract Code section 3400(c), in the event DISTRICT makes a finding below that a particular material, product, thing, or service is designated by a specific brand or trade name in order to (a) match other products in use on a particular public improvement either completed or in the course of completion, or (b) obtain a necessary item that is only available from one source, DISTRICT shall not be required to comply with the provisions of the preceding paragraph.

As required by Sections 1773 and 1773.2 of the California Labor Code, the Director of the Department of Industrial Relations has determined the general prevailing rates of wages in the locality in which the Work is to be performed. Copies of these wage rate determinations, entitled PREVAILING WAGE SCALE, are maintained at DISTRICT's office and are available to any interested party upon request. They are also available from the Director of the Department of Industrial Relations at http://www.dir.ca.gov/OPRL/statistics_and_databases.html. CONTRACTOR shall post a copy of such document at each job site. CONTRACTOR and any Subcontractor under it shall pay not less than the specified prevailing rates of wages to all Workers employed in the execution of the Contract. Electronic certified payroll records will be required to be submitted to the Compliance Monitoring Unit ("CMU") of the Division of Labor Standards Enforcement of the Department of Industrial Relations of the State of California.

Each Bidder agrees that if its bid is accepted, it shall comply with all prevailing wage laws, regulations, and requirements regarding the enforcement of the payment of such prevailing wages by the CMU. In bidding on this Project, it shall be Bidder's sole responsibility to evaluate and include in its Bid the cost of complying with all applicable labor compliance requirements. The successful Bidder and all Subcontractors utilized by the successful Bidder on the Project shall maintain and furnish to the CMU, on a periodic basis as directed by the CMU, electronic certified copies of weekly payroll reports signed under penalty of perjury. The CMU shall review the payroll reports to verify compliance with the prevailing wage requirements and shall conduct audits as it deems necessary. If the payroll records or reports are delinquent or inadequate, DISTRICT shall withhold Contract payments as directed by the CMU. Additionally, if, after an investigation, it is established that an underpayment occurred, DISTRICT shall

withhold Contract payments equal to the amount of underpayment and applicable penalties, as directed by the CMU.

No Bidder may withdraw its bid for a period of either (a) ninety (90) Days after the date set for the opening of bids, or (b) sixty 60 Days after the date of the award, whichever date shall occur first. In the event DISTRICT should request an extension of the above-stated deadline, such extension shall also include the extension of the duration of the bid security.

A Payment Bond and a Performance Bond shall be required prior to execution of the Contract and shall be in the form set forth in the Contract Documents.

Pursuant to Section 22300 of the California Public Contract Code, the successful Bidder is permitted to substitute securities for any moneys withheld by DISTRICT to ensure performance under the Contract. At the request and expense of CONTRACTOR, securities equivalent to the amount withheld shall be deposited with DISTRICT, or with a state or federally chartered bank as the Escrow Agent, who shall then pay such moneys to CONTRACTOR. Upon satisfactory completion of the Contract, the securities shall be returned to CONTRACTOR. Alternatively, the successful Bidder may request and DISTRICT shall make payment of retention earned directly to the Escrow Agent at the expense of the successful Bidder.

Each bid submitted in response to this Notice shall contain, as a bid item, adequate sheeting, shoring, and bracing, or equivalent method, for the protection of life and limb in trenches and open excavation, which shall conform to applicable Safety Orders.

Consistent with the requirements of the federal Clean Water Act, the Project is subject to storm water pollution prevention requirements, which may include the implementation of a Storm Water Pollution Prevention Plan and/or implementation of local Storm Water Requirements, which prohibit the discharge of pollutants from the Project site. Bidders will be required to submit, with their bid, the Storm Water Pollution Prevention Certification included with the bid package, which must be signed by Bidder under penalty of perjury and notarized.

JOB WALK AND PRE-BID CONFERENCE: A pre-bid conference will be held at the site for attendance by any interested Bidder with representatives of DISTRICT, ARCHITECT and CONSTRUCTION MANAGER. **The Job Walk is Mandatory.** The pre-bid conference and job walk will commence at 10:00 a.m. on September 08, 2020. All attendees shall meet at the site at the Solorio Elementary School, 15172 Walnut St, Fontana, CA 92336.

Governing Board of the
ETIWANDA SCHOOL DISTRICT

By: _____