

## NOTICE INVITING SEALED BIDS OR PROPOSALS

NOTICE IS HEREBY GIVEN that the City of Upland ("City") will receive at the Office of the City Clerk in the City Hall of the City of Upland, 460 N. Euclid Avenue, Upland, California, on or before the hour of **10:00 o'clock A.M.** on the **16th** day of **December, 2015**, sealed bids or proposals for the Construction of:

**Project No. 7608**  
**Bid No. 2015-02**  
**CDBG Concrete Improvements 2014-2015**

in said City. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the City of Upland and marked: Bid for Construction of:

**Project No. 7608**  
**Bid No. 2015-02**  
**CDBG Concrete Improvements 2014-2015**

The City Clerk's Clock is the prevailing clock, and bids received after the time indicated will be returned unopened. Bids shall be valid for a period of forty five (45) calendar days from the date of the bid opening.

**PREVAILING WAGE:** This contract will be funded in whole or in part with federal housing and community development funds. The Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. A copy of the Federal Wage Decision applicable to this project is included in the Bid Document. Should the Federal Prevailing Wage and a state or local prevailing wage apply to the work, the higher of the Federal or state/local rate for the Federal work classification shall prevail. Work classifications not included in the Federal Wage Decision will not be recognized and may not be used.

Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the City Clerk, 460 North Euclid Avenue, Upland, California, and are available to any interested party on request, or online at [www.dir.ca.gov/dlsr](http://www.dir.ca.gov/dlsr). The successful Bidder shall post these rates at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the City, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in § 1776, 1777.5, and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

**MINORITY AND WOMEN OWNED BUSINESS:** Bidders will be required to document their status as a Minority Business Enterprise (MBE), a Women-owned Business Enterprise (WBE) or a non-MBE/WBE firm. The overall contract goal for MBE participation is 19 percent. The overall contract goal for WBE participation is 6.9 percent. Bidders that are not MBE/WBE firms will be required to make a good faith effort, and to document their efforts to include firms as part of the contract bid.

**HUD-SECTION 3:** 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 written commitment (Economic Opportunity Plan).

**CONFLICT OF INTEREST:** In the procurement of supplies, equipment, construction, and services by subrecipients, the conflict of interest provisions in (State LCA - 24 CFR 85.36 and Non-Profit Organizations – 24 CFR 84.4), 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.

**SUBCONTRACTED WORK:** The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by City to be submitted may be submitted with the bid, or may be submitted to City up to 24 hours after the deadline established herein for receipt of bids. The additional information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

**INELIGIBLE CONTRACTORS:** The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1777.7 of the Labor Code.

No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to 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 public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement).

**YOU MUST SUBMIT** with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the City of Upland in an amount equal to at least ten percent (10%) of the total bid price as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the City of Upland. If the City of Upland awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. The City has determined that Contractor shall possess, at time of bid, any and all contractor's licenses, in form and class as required by any and all applicable laws with respect to any and all of the work to be performed under this contract including a **Class "A" License (General Engineering Contractor)**.

The work is to be performed in accordance with the plans and specifications on file in the Engineering Division of the City of Upland Public Works Department, located at 1370 N. Benson Avenue, Upland, California. Copies of the plans and specifications will be furnished upon application to the City and payment of **\$35.00** which sum is nonrefundable. **Please make checks payable to the City of Upland.** Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$15.00** to cover mailing charges and overhead. Digital copies of the contract documents are available for download at the following website: <https://www.strongspace.com/shared/bx50q6ivts>. It is the responsibility of each perspective bidder to check the strongspace website on a daily basis through the close of bids for any applicable addenda or updates, and to furnish the City with current perspective bidder contact information for distribution of any and all addenda or updates. A perspective bidder must provide the City with the firm's name, mailing address, telephone and facsimile numbers, a contact person, and a valid email address. Failure to provide the City with a valid email address and facsimile number may result in late notification. Addenda and Requests for Information (RFI) responses will be issued via facsimile, email, strongspace website, standard postal mail, or any combination thereof, and only to bidders that provide the required information to the City. All requests for information (RFI) shall be in written form and shall be directed and sent no later than December 9, 2015 at 4:00 pm to:

**Enayat Khugyani, Senior Engineer**  
**1370 N. Benson Avenue**  
**Upland, CA 91786**  
**(909) 291-2961**  
**(909) 291-2974 Fax**  
[ekhugyani@ci.upland.ca.us](mailto:ekhugyani@ci.upland.ca.us)

The Contractor may, upon the Contractor's written request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the City of Upland. The City of Upland reserves the right to reject any bid or all bids, and to waive any informality or irregularity in any bid.

**Publish: Friday(s), December 4, 2015 and December 11, 2015**